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THE
HISTORY OF THE SUFFERINGS
OF THE
CHURCH OF SCOTLAND
FROM THE
RESTORATION TO THE REVOLUTION.

BY THE
REV. ROBERT WODROW,
MINISTER OF THE GOSPEL AT EASTWOOD.

WITH
AN ORIGINAL MEMOIR OF THE AUTHOR, EXTRACTS FROM HIS CORRESPONDENCE.
A PRELIMINARY DISSERTATION, AND NOTES,

BY THE
REV. ROBERT BURNS, D.D. F.A.S.E.
MINISTER OF ST GEORGE'S, PAISLEY; AUTHOR OF HISTORICAL DISSERTATIONS ON THE
POOR OF SCOTLAND; TREATISE ON PLURALITIES, ETC.

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THE
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BOOK THIRD CONTINUED.

FROM BOTHWELL TO THE REVOLUTION.

CHAP. VIII.

*Of the state and sufferings of presbyterians,
during the year 1684.*

1684. THE nature of persecution is progressive and growing, and it can scarce be otherwise; one sin is a native inlet unto another, and the wicked wax worse and worse. Malice, envy, and enmity, against religion and its followers, are insatiable; and the Lord in the depth of his righteous judgment, suffers sinners to harden themselves, and go on from evil to worse, till their cup fill. Success in sin emboldeneth the actors, and thirst after blood, like a fever, still increases till a crisis happen. Accordingly, the reader will find a cruel oppressive spirit mightily upon the increase in Scotland, this year: the work is turning easy, hardships upon presbyterians ordinary, and the trade is gainful to not a few. Towards the end of the year, a vast many gentlemen, formerly out of their reach, were attacked, and the prospect of having a share of swinging fines, as good, if not better, as forfeitures, made the sentences go glibly on. Some of the best of the nation were attacked, and the duke of York had every thing going in Scotland, according to his

wish. We have this year a new scene of blood, and public executions were frequent; and, during this summer, murders in cold blood in the fields are beginning, and we shall meet with great numbers of them next year. The universal pressing of the test, was a noble handle for persecution. Fines and banishments are most frequent. The garrisons and lesser courts, by citations and searches, harass the country; and the larger circuits bring persons of better quality to a great deal of trouble. Great numbers of gentlemen of note and rank, are most exorbitantly fined, to the value of their real estates; and this year is shut up with the martyrdom of that excellent and extraordinary person the laird of Jerviswood. In this heap of matter, where the rigour and severity of the persecution is indeed far beyond any notion I can give, or the lame accounts that now, after so many years, can be had, I cannot observe that order I could desire; yet to essay this as much as the vastness and variety of the matter will allow, I shall give some account of the procedure of the council this year, from the records, both more generally in their acts and commissions, and more particularly in their processes against gentlemen, ministers, and

others: and next, I design to lay before the reader, the processes before the criminal courts, and the forfeitures and deaths enacted by them, with a more distinct account of the processes with relation to the alleged plot. Then natively will follow the procedure at the circuits, and the exorbitant fines after them, with some other hints which came not in so well on the former heads. This will afford matter for eight sections.

SECT. I.

Of the procedure of the council, relative to the sufferings this year 1684.

THE privy council, as influenced now, not only by the clergy, but a habit of severity, heightened by gain and incomes from the fines, was the great spring of all the persecution, and therefore I begin with distinct accounts of their procedure, as the foundation of the other branches of persecution. There was not much need of any new acts, but a vigorous prosecution of those made, and giving commissions to particular persons, with a council and justiciary power. As I have done on the former years, I here just run through what they did, in the order of time it fell out.

Fines were one of the sore oppressions the poor country came under in the former years, as we have heard; the most part of them were pocketed and squandered away in profanity, and it was but a small part of them that ever was accounted for. The duke of Queensberry and others of the prime managers had observed this, and grudged it; wherefore last year a letter was impetrate from the king upon this subject, which was read and recorded in the council-books, January 3d this year, and follows.

"Charles R. Right trusty, &c. Whereas we are informed, that since the indemnity, granted by us soon after the rebellion at Bothwell-bridge was defeated by the blessing of God upon our forces, a great number of fines were imposed by several of our judges and magistrates, in that our ancient kingdom, upon heritors, on the account of fanatic irregularities and disorders, whereof a part hath been uplifted by them, or others

by their appointment. It is now our will and pleasure, and we hereby authorize and require you forthwith to call all such judges and magistrates to an account of what fines, or any part thereof, they, or any others by their order have received, and to take care that with all convenient and legal diligence, all, or such a part of the said fines not yet raised, as our privy council there shall think fit to determine, be uplifted and received from the said heritors, to the end that the same, as well as what is already received, may be brought into our exchequer, to be disposed of to such uses, and in such manner as we shall hereafter think fit to appoint. Providing always, that the remainder of such fines be not discharged, but left as an awband over their heads, for their good behaviour in time coming, accordingly to be raised, or not, hereafter, as our said privy council shall think fit for our service: and in regard it is reasonable and just, that such of the officers of our forces as are or shall be employed in the extraordinary commissions granted, or to be granted in relation to fanatic disorders, have not only their charges allowed, but a reward given them for their good behaviour, we require our treasurer-principal, and our chancellor, to transmit to us an account of all such charges as our officers are at, and of such sums as they judge reasonable to be bestowed on them, to the end that we may declare our further pleasure. Given at Whitehall, April 5th, and of our reign the thirty fifth year.

"MURRAY."

This letter is directed to the lord marquis of Queensberry, lord high treasurer-principal, and lord treasurer-depute, and was remitted to a committee, who were to bring in a report. And, January 10th, the committee about the fines reported, "that having considered his majesty's letter, and the council's remit, it is their opinion, that a distinction cannot be made of persons guilty or less guilty, or altogether free, or who shall deserve his majesty's favour or not, till the persons decerned upon the decreets, and their particular case be considered upon their application; and that therefore letters of horning, under the council's signet,

should be direct upon the sentence of the sheriff-depute of Renfrew, as to the heritors of that shire in the first place, to make payment of their fines in fifteen days, being the ordinary term of law; and that they or any of them who shall make application, shall be heard before the council; and that after the discussing of that shire, such another shire may be discussed as the council shall think fit."

The council approve, and order the persons charged to be heard on their application, by way of suspension. According to this act, we shall, in the following section, find a good many of the heritors of Renfrew, Matthew Stuart, Falside, Balgray, Brisbane, and others, have suspensions and reductions of their decreets granted them. Sir John Maxwell of Nether Pollock, and others of the presbyterian gentlemen of that shire, were in dependance before the justice-court, and at the end of the year came under most unaccountable fines. Meanwhile, February 12th, Mr Ezekiel Montgomery, sheriff-depute, is ordered to be seized for many malversations in his office; some of them we have heard, and more will fall in.

Whether the council went on to examine the procedure about fines in other shires, I know not. All I meet with further in the registers upon this head, is a petition from Hugh Wallace his majesty's cash-keeper, April 17th, showing, "That the council, by their late act, were pleased to ordain letters of horning to be direct against all the magistrates within this kingdom, who had not made report of their diligence, against such as were guilty of ecclesiastical disorders, and to deliver in their decreets and sentences to the lord treasurer, treasurer-depute, or your petitioner in their name, to the effect diligence may be done against the persons liable for such a part of those fines as belong to his majesty. Conform therunto the magistrates of Edinburgh have been charged to give in their decreets, which they having done, it appears the fines received by them extend to £8349. 12s. Scots given in at the bar. The magistrates are ordained to pay the said sum to his majesty's cash-keeper. And upon a petition from the late magistrates, to have some allowance for the expenses and trouble they

were at, in putting the laws in execution against the delinquents, the council allowed them to retain the sum of two hundred pounds sterling, which is to be distributed among the late magistrates for their care in that matter; that the council may ordain the surplus to be paid into the cash-keeper." They do so and appoint it to remain in his hands, till it be considered what part belongs to the king, as having a right to heritors' fines, and what to the town, as being the fines of burgesses and others not heritors. I meet with no more about this act. If it was put in execution with relation to the other burghs and shires, where fines were uplifted, it would amount to a prodigious sum; and we may see what large allowances were made to the magistrates, who were severe in execution of the laws about fines. 1684.

January 23d, the council send a letter to the king by the earl of Perth, seeking liberty to dispense in some cases with the fines imposed upon husbands, for the disorders of their wives. The case came natively in upon the forementioned act, and therefore I annex it here.

"May it please your Majesty,—Your majesty's parliament did wisely foresee, that withdrawing from the church would leave your majesty's subjects to be deluded with rebellious principles, and necessarily occasion these field-conventicles, which have proved to be actual rebellion, and are by your parliament, called the rendezvouses of rebellion, and therefore they ordained all persons who withdrew to be fined. And such who are intrusted to put the laws in execution, against that or other ecclesiastical disorders, having on all occasions represented to your privy council, that women were the chief fomenters of these disorders, and that nothing could restrain them except making husbands liable for their fines: they considering, that in all other cases of the like nature, husbands were liable by your acts of parliament for the fines of their wives; and that therefore, by the analogy of law, and parity of reason, the best interpreters of all law, they ought to be so in this case also, did, upon these and many other considerations herewith represented to your majesty, find the

husbands accordingly to be liable.
 1684. But because in matters of government, and laws relating to it, your sacred majesty, as the fountain of all justice as well as power, is the best interpreter, and your approbation adds much vigour to the law, and encourages such as are to put it in execution, we have sent the earl of Perth your justice-general to represent the whole case to your majesty, who will inform you fully of all the reasons and occasions of our procedure, and answer such questions as your majesty may desire to be satisfied in, as to this or any other matters relating to your government here, which could not be done by a letter. And we do, with submission to your royal pleasure, desire an approbation of what we have done in this particular, with power to dispense with the fines of loyal husbands, as are no ways to be suspected of connivance with their obstinate wives, but are content to deliver them up to be punished. We are your most, &c.

"J. Drummond,	Elphinston,
Geo. Mackenzie,	Kinnaird,
Jam Fowles,	J. Falconer,
And. Ramsay,	Aberdeen Cancel.
J. Lockhart,	Alex. St Andrews,
J. Graham,	Arthur Glasgow,
Tweeddale,	Queensberry,
Balcarras,	Hamilton,
Livingstone,	Montrose,
Jo. Edinburgh,	Linlithgow."

Follows the tenor of the reasons mentioned in the foregoing letter, which induced the council to be of opinion, that husbands should be liable for their wives' fines in case of delinquences.

"1. By act 7. parl. 2. sess. 2. Char. II. the parliament appoints every person to be fined who shall withdraw, which certainly must include men and women; and therefore there being no other punishment imposed but that of fining, that fining behoved to be effectual, else the law resolved in nothing. But so it is, that except husbands be liable for the fines, the fine was no punishment, because women, who were the great transgressors in this point, have no estate out of which they can pay fines.

"2. The goods during the marriage being in communion, and the husband having the power over them, he should

therefore, in the construction of the common law, be liable in the payment of the fines imposed by act of parliament, without expressing this particularly, though sometimes it be expressed.

"3. The parliament having consented, that the wives should be fined, they consented consequentially that the husbands should pay it; for it is a common rule in law, when any thing is granted, every thing is granted, without which that cannot be made effectual.

"4. Laws are to be interpreted by analogy for that is the presumed will of the law-givers, which has been usually allowed in all other cases of this nature; but so it is, that in all other cases husbands are made liable for their wives' fines. Act 104. parl. 7. Jam. VI. papists are ordained to pay the fines of their wives using popish superstitions; and by the 38th act. parl. 1. sess. 2. husbands are ordained to pay their wives' fines for swearing and cursing. And many other acts, such as those against conventicles and others, husbands are also liable, and parents are also liable for their children, where there is no act for it.

"5. Laws are to be interpreted by parity of reason; but so it is, there is as great reason for their being liable for their wives' fines in this as in any thing else."

"6. Public interest, and the necessity of the government, is by all lawyers thought a good reason for extending laws by parity of reason; and without husbands being liable, it is impossible to preserve the peace, or prevent rebellion.

"It was urged by lawyers for the defenders, that it was hard that husbands in that case should be liable for their wives. To which it is answered, that rebellion is a harder case, and that has not been considered, in the like cases which were as hard, by the parliament.

"2. That the former immediate law made the husbands liable, and therefore must be presumed to have omitted this designedly. To which it is answered, that having in other acts expressed this, they needed not here, or at least that this was but an omission, which in a thousand other cases is supplied from a parity of reason, and public interest, being universal laws.

"3. That this law may be made practicable by imprisonment of wives. To which it is answered, that neither has the law appointed imprisonment, and if we must recur to inferences and consequences, the one is as reasonable as the other: but it is impossible to make the act practicable by imprisonment, for offenders know we cannot imprison so many as may be guilty; but fines is a present punishment, and so terrible, the one makes the husband active to persuade the wife, but the other does not; and if a fine once become a debt by a sentence, no woman can be imprisoned for debt during marriage.

"4. This may be dangerous to loyal husbands. To which it is answered, that the case by experience is known to occur seldom: for before this way of execution there were many offenders; yet it is now known there are very few honest men in those circumstances, and if they be, they are in the mercy of a king, who is compassionate even to rebels, and his majesty may empower his council as to this."

The occasion of this letter was a petition from Sir William Scot of Harden, who, we heard, was most exorbitantly fined last year, and continued in prison for his lady's irregularities. It would seem, the bulk of the council were not for insisting on the fine as to him. This will come in afterwards on his sufferings, and yet the matter was put over upon the king, and this letter and reasons appointed to be sent him, and the lords of the clergy, such counsellors as are lawyers, and duke Hamilton were appointed to draw them. An answer from the king comes down, February 12th bearing, "that his majesty approves husbands being fined for their wives, but authorizes the council to dispense with the fines on loyal husbands, who do not connive at their obstinate wives' ways, and are willing to deliver them prisoners."*

* The following plain statements by bishop Burnet confirm and illustrate the account given of this matter by our historian. "The churches were now all well kept by the men: but their wives not being named in the act of parliament, none of them went to church. The matter was laid before the council: and a debate arose upon it; whether, man and wife making one person in law, husbands should not be fined for their wives' offences, as well as for

In the entry of this year new commissions are granted to the following persons. This method saved them the charges and solemnity of a circuit, and did their business as effectually and more arbitrarily. January 3d commission is granted as follows. "Charles R. To all our loving subjects: forasmuch as we being informed, that divers desperate rebels do haunt and frequent about Glasgow, Dumfries, and other places in the shire of Lanark, and other western shires, some whereof are apprehended and imprisoned for being in the late rebellion, who treasonably justify the same, or deny and disown our authority and sovereignty: and we finding it necessary for our service, that justice be done upon the place upon such desperate and malicious rebels, which may be more expeditely done, and of greater example, we, with advice of our privy council, hereby give and grant full power and authority, and express commission to the present provost of Glasgow, the bailie of the regality there, the sheriff-depute of Lanark, Sir James Turner and lieutenant-colonel 1684.

their own. Lord Aberdeen stood upon this, that the act did not mention the wives: it did indeed make the husbands liable to a fine, if their wives went to conventicles; for they had it in their power to restrain them: and since the law provided in the one case, that the husband should suffer for his wife's fault, but had made no provision in the other case, as to their going to church, he thought the fining them on that account could not be legally done. Lord Queensberry was for every thing that would bring money into the treasury; so since, in those parts, the ladies had for many years withdrawn wholly from the churches, he reckoned the settling fines on their husbands to the rigour would make all the estates of the country be at mercy; for the selling them outright would not have answered this demand for the offences of so many years. The earl of Perth struck in with this, and seemed to set it up for a maxim, that the presbyterians could not be governed, but with the extremity of rigour; and that they were irreconcilable enemies to the king and the duke, and that therefore they ought to be extirpated. The ministry in Scotland being thus divided, they referred the decision of the point to the king: and lord Perth came up to have his resolution upon it. The king determined against the ladies; which was thought very indecent: for in dubious cases the nobleness of a prince's temper should always turn him to the merciful side. This was the less expected from the king, who had all his life time expressed as great a neglect of women's consciences, as esteem for their persons."—*Hist. of His Own Time*, vol. ii. pp. 994. 995. 12mo. edit. London 1725.—*Ed.*

1684. Windram, or any three of them, as our judges in that part, for judging the persons guilty of the said crimes, who are or shall be apprehended, in the shires of Lanark or Dumbarton or jurisdictions within the same, they not being heritors. And to James Alexander sheriff-depute of Dumfries, the eldest bailie for the time there, James Johnston of Westeraw steward-depute of Annandale, Thomas Lidderdale of Iale steward-depute of Kirkcudbright, David Graham brother to Claverhouse,

Bruce of Abbotshall, captain Strachan, William Graham cornet to Claverhouse, or any three of them, for trying and judging such persons in Dumfries, Kirkcudbright, Wigton, and Annandale. With power to meet when and where they please, to hold courts, create members, call before them the persons foresaid not being heritors, and put them to the trial of an assize, and pass sentence, and see justice done accordingly, conform to law, and this commission to continue till recalled, recommending to the advocate and the clerk of the justice-court, to send fit and qualified persons to serve as deputes for them, before our said justices, *promitten*. to hold firm and stable.

"D. Falconer,	Montrose,
Jam. Fowles,	Linlithgow,
Suothesk,	Aberdeen Cancel.
Livingstone,	Queensberry,
Jo. Edinburgh,	Athole."
Douglas,	

February 19th I find another commission granted in the very same terms, and with the same powers, only Renfrew and Ayrshire are included, to the Lord Ross, the provost of Glasgow, Sir William Fleming of Ferm, lieutenant-colonel Windram, lieutenant-colonel Buchan, Sir James Turner,

Somerwell of Spittle, and William Stirling bailie of the regality of Glasgow, or any five of them.

Several persons were condemned, by virtue of this commission, at Glasgow, in March, and I scarce think they would spare all who came before them at Dumfries, the commissioners being a set of the most violent persecutors of that time, yet I have no accounts of their procedure. The account of those executed at Glasgow, I shall delay till the third section, where the public executions will come in.

Meanwhile I find those commissioners corresponding with the council, and receiving directions from them. February 28th 'The lords of his majesty's privy council, having considered a letter from the commissioners of justiciary at Glasgow, containing some doubts and queries as to their procedure against the persons indicted before them, in the cases where pannels are silent, or make no direct answers, such who, albeit guilty, yet offer to take the test. In those the lords allow them to delay procedure against them, and administer the test to such as desire it, and to acquaint the council with their particular causes and repentance, that they may give particular directions therein. And the lords expect, where probation is clear as to any who were actually in the rebellion, and assert treasonable principles, that they will proceed against such, and cause justice be done according to their commission.' The same orders are repeated to the justices at Dumfries, with this alteration, that when the pannels refuse to answer, and there is no probation, the justices send them into Edinburgh. And upon another case, which offered as to persons without the bounds specified in their commission, April 22d the council declare, 'That their commissioners for judging rebels in the several shires, ought to proceed against rebels without the bounds of their commission, wherever they formerly lived, or were apprehended, as against those within the same shire, they being brought to them, and to proceed in all respects, as if this had been a clause of their commission.' This is all I meet with as to these justiciary commissions. They are plain instances of the bloodiness of this time. There had been very lately circuits, the justice court was sitting at Edinburgh, and this year we shall meet with new circuits: yet to awe the poor country, and to despatch the people they had apprehended in their searches, and were daily catching, this power is granted, and was exercised with much severity. Perhaps it might be to prepare matters for this country justiciary, that the laird of Meldrum, January 14th, gets commission to make trial for rebels in Lanarkshire. The reason given is, the council

was informed of some disorders and insolencies committed in Carstairs and Lesmahago, by stabbing some dragoons' horses, and taking away some goods and corns belonging to rebels.

It seems, all their diligence for recovering the fines got into the hands of under-magistrates, and the uplifting of what was not paid, had little effect through the country. And therefore a new commission to colonel Thomas Buchan, is granted by the council, to uplift those fines in the shire of Ayr, much in the same terms of some granted last year. That same day, April last, the council make another act, which was the occasion of further sore oppression of the country. 'The lords of council being informed, that since the justice court (the circuits I suppose are meant) divers of these rebels denounced for not appearing before the justices, have been harboured, reset, entertained by several disaffected persons in the western shires, to the great encouragement of them to persist in those rebellious courses, give orders to the sheriffs and other deputies, and the ordinary magistrates and officers of the army, to inform themselves of the persons guilty of the reset of rebels, and to lead probation for proving thereof before themselves, and where they find the same proven, to search for and apprehend the persons guilty of the reset of rebels, and imprison them till they be brought to justice; recommending to the commissioners of the justiciary in the several shires, to do justice upon some of those, not being heritors, most guilty, and the heritors to be tried and judged by the justice court; and recommend it to the lord treasurer and treasurer-depute, to commissionate some fit persons in the country, to sequester, secure, sell, and dispose upon the goods and moveables of these resetters, whether heritors or not, after they shall be found guilty as aforesaid, and have subscribed lists of their names from those who shall adduce probation against them, to be made forthcoming for his majesty's use.

It hath been frequently observed, that nonconformity, reset, and converse are at this time the two great pretexts made use of for persecution, the most part of such

who were actually in the risings being either cut off, or out of the country; 1684. and we see how carefully the managers prosecute both. This last, of reset and converse, was what the whole country were one way or other engaged in, since people concerned in the risings were overlooked for two or three years, and frequented fairs and markets, and all other public meetings, undisturbed. And now by this act, the leading probation against, and trial of such persons, is committed to the officers of the army, with power to search for, apprehend, and imprison persons guilty. Thus the execution of the laws and justice is committed to the army, the consequences of which need not be insisted upon. We shall have a view of them in the general hints of persecution this year, to be cast together in the last section. I only remark as to the persecution for nonconformity, it turned more extensive, by the turning out of the indulged ministers, which was almost completed this year, and so the persecutors had new matter to work on, in many parishes formerly not open to them.

Another thing the council are taken up with, is the banishment and transportation of a great many of the meaner sort, and some others to the plantations. Indeed, by the methods we have heard of, the prisons were overstocked, and there was not room for these they were daily apprehending: therefore, in a letter to the king, April 11th, they humbly offer to his majesty's consideration, whether it be not fit to empower his council to send abroad such of the rebels as appear penitent, though they take not the test, because the prisons are full, and ships are going to the plantations, and they have reason to believe, that if this be granted, it will encourage other planters to free the nation of such persons. To this request comes an answer, dated April 24th, 'Wherein the king declares it is his pleasure, that such of the rebels as are found penitent, be sent to the plantations, though they have not taken the test, within the time prescribed by act of parliament. In pursuance of this, May 5th they write to the commissioners, appointed anent disorders in several shires, for accounts of the condition of the prisoners, men or women,

1684. Syme, Hugh Syme, William Syme, John Alexander, John Marshal, Matthew Machen, John Paton, John Gibson, John Young, Arthur Cunningham, George Smith, and John Dowart. Two of them, John Buchanan and Arthur Cunningham, add to their names a confession, that they had fainted in giving consent to their own banishment. The matter stood thus, as far as I can gather it from the accounts before me. Most part of them had been picked up at searches and otherwise, in Glasgow, Eastwood, Eaglesham, and other places round about, and had continued in prison some months. Walter Gibson and his brother were sending off a ship to Carolina, and had come to some of them, asking if they were willing to go with them to the plantations; promising if so be they would go with them, they would make interest and get their lives spared, and if not, they assured them they would be publicly executed. Some of them yielded to this, but afterwards when it was represented by some as an owning of guilt, and having a share in their own banishment, they acknowledge it as a step of fainting: So hardly put to it were these honest good people upon all hands. John Dick, in the forementioned letter, very modestly vindicates this step, and observes that their sentence had no relation to this dealing with Gibson, neither was it at all judicially considered. Those persons, with some others, after sentence, were given to the Gibsons, and this year were transported to Carolina. I have letters written by several of them, and their particular testimonies, with some of their examinations; but they all running upon the ordinary topics at this time, the king's supremacy, popery and prelacy, &c. I do not swell this work with them.

I find them lying in Greenock road, ready to sail towards the beginning of July. There is before me a particular account of the hardships they met with in their passage, of which I shall insert an abstract, if once I had noticed, that it was in this same ship, I suppose, the Reverend Mr William Dunlop, formerly mentioned, whom I can never name without the greatest regard to his memory, transported himself, and voluntari-

ly withdrew from the iniquity of this time. And, if I mistake not, the excellent and truly noble lord Cardross left his native country at the same time.

Captain James Gibson commanded the vessel, and is represented to have been very rude to the poor prisoners, who were about thirty-two. And his seamen and under-officers, were yet harsher. Any small money their friends had scraped together for them before they sailed, was taken from them, and they could have no redress. They were disturbed when at worship under deck, and threatened, and whenever they began to sing psalms, the hatches were closed upon them. They had their water given them in very scanty measure: one man was allowed only a mutchkin in twenty-four hours. And when there happened to be a mutchkin or less over, it was carefully distributed among them all, or they would parcel it out by spoonfuls to such as were most necessitous. All this was really from ill nature, for there was no strait. When they came ashore in Carolina, they had fourteen hogsheads of water to cast out, besides a good number of hogsheads of beer remaining. At the beginning of their voyage, every eight of them had a Scots pint of pottage allowed them, and a little beer: their other food was salt beef, with a few pease, three or four years old, sodden in salt water; this they had literally by weight, two ounces and a half to every two of them, with a biscuit which was old enough. Their bread was indeed so ill, that they could not eat it, but bartered it with the seamen for the rain-water they gathered. The sick were miserably treated, and had no other thing allowed them but what the rest had. Some of the prisoners who were sick, desired to be put ashore at Bermudas, offering all security to captain Gibson, if they recovered, to come to Carolina. At first the captain promised, but, when he found so many sick, altered his mind. The very ship's crew were like to mutiny for want of water, and John Alexander died of thirst, as was thought. When they landed in Carolina, all the prisoners almost were sick; they were taken out, and put into houses under a guard: some cloth and other things given by their friends in Scotland, to be sold at

the best advantage, and distributed among them in Carolina, was otherwise disposed of, and they had none of it. John Dick, formerly mentioned, having paid his freight to thirty shillings, though he offered his bond for it, and a comrade of his offered to serve in his room, till that remainder of his freight was paid, yet the captain would in nowise yield to it, but forced him up the country with him as his servant, where he died. His case differed from the rest of the prisoners, because of the contract he had entered into with the captain, but no faith was kept to him. Two of the prisoners, John Smith and John Paton, offering to make their escape, were discovered, and most barbarously used, being beaten eight times every day, and condemned to perpetual servitude.

My account of banishments this year, shall be ended with an instance of severity great enough. When these prisoners were lying ready to sail from Clyde, Elizabeth Linning, yet alive, attesting this account, came down to visit the prisoners, some of them being her relations; when she came aboard, captain Gibson ordered her to be kept and taken with them, though he had nothing to charge her with: she perceiving this, took an opportunity, when those who were watching her were asleep, to get ashore. She was soon missed, and the captain ordered most of the crew ashore in search of her; they found her and brought her back, and carried her to Carolina with them. After they arrived there, and the prisoners were set ashore, she fell indisposed. One day she heard the captain say, when he did not know she was within hearing, "Since she is sickly, let her go ashore, but see that she come aboard every night till we get her sold." Upon this she took the first opportunity to get ashore, and went straight to the governor, and acquainted him how she was forced to that place, and what she had heard. The governor was very civil, and caused cite the captain to the next court-day, where he appearing was interrogate, if he brought the girl from Scotland without sentence, or her own consent; the captain owned he had, and trumped up a story, which she utterly refused, that she had come with letters

to the prisoners, and means were essaying to procure their escape, 1684. though he had given bond to the council of Scotland for two and thirty of them at a thousand merks per piece. The governor told him, that could not be, since, as he was informed, she was taken after she made her escape. To this he answered nothing, but that he had an order from lieutenant-colonel Windram to keep her, for she was such a rebel as ought not to be permitted to stay in the nation. The governor desired him to produce this order, the other answered he had it only by word of mouth. Whereupon the court ordered her liberation, and allowed her the following extract. At a council held at Charleston, October 17th, 1684. "Upon the reading of the petition of Elizabeth Linning, against captain James Gibson, commander of the Carolina merchant, in a full council, it was ordered as follows. Whereas upon the confession of Captain Gibson, that the within written Elizabeth Linning, was, without the consent of the said Elizabeth, brought to this province by force, and by a pretended order from lieutenant-colonel John Windram, but the said Gibson producing none, it is ordered that the said Elizabeth be set at liberty as a free woman."

In short, most part of the prisoners died in Carolina, and scarce half a dozen of them ever returned to their native land; and a great many years after, their commander, with the ship he was in, perished in the American seas, after a most unfortunate voyage. Many others were banished this and the following year, of whom I shall be scarce able to give any account: but I now return to the proceedings of council at Edinburgh.

Toward the end of April, in the vacation of the session, a good many of the managers were in the country, and yet they were not willing any sist should be in the persecution, therefore the following order is made, April 22d. "The counsellors who are in town, are appointed to meet in the intervals of council, and empowered to do every thing they shall find necessary for his majesty's service, the exigence of the government, and peace of the country, and receive accounts from magistrates of burghs

1684. and officers of the army, and give orders; with power to them to convene the council." That same day the council recommend it to general Dalziel, "to ordain lieutenant-colonel Buchan, with five companies of foot, and the lord Ross' troop, to march to the shire of Ayr, and that half of the troop of guards march thither also; that colonel Graham be ordered to post his own troop at Dumfries, or where he thinks most convenient in that country, and to post the two troops of dragoons in the garrisons of Kaitloch, Ballagan, Kenmuir, Machrimore, or Monigaff; that colonel Graham command all the forces in Ayrshire while there, and having power to quarter them in the shire of Ayr and Renfrew, or where most convenient for the king's service; that captain Cleland's troop be put into the houses of Covington and Blackwood, till Strathaven be ready." May 5th, the council "appoint a garrison at Kenmuir, and because the lady is to lie in, the soldiers are for the time dispersed to Barscob, Waterhead, Knockgray, and Kaitloch." Other accounts at this time bear, that the garrisons were increased, especially in the south, so that much of Scotland was, as if it had been a country conquered by an enemy. That strong garrison at Kaitloch was continued, two were set up in the parish of Carsphairn, another in Lesmahago, and one in Crawford-muir, besides those at New-mills, and several other places. Parties from those garrisons were the great instruments of many of the murders in the fields in cold blood, which now were a beginning; and to them likewise the country owed the gravaminous searchings at this time so common, and continually almost parties were traversing from the Waterhead of Deugh to Lesmahago, or Crawford-muir, or down to Newmills, and other places, so that the wanderers were very hard put to it. Those searches were most uneasy to good people through the country in the summer, and they were mostly in towns and cities in the winter.

Last year we heard, that the printing the fugitive rolls was delayed from time to time: now, May 5th, the council publish them, and a proclamation before them; I have annexed both

in the note below.* Remarks need not be made on the proclamation, after the many such papers we have met with. The rebellion is represented as the

* *Proclamation, with a list of Fugitives, May 5th, 1684.*

CHARLES, by the grace of God, king of great Britain, France, and Ireland, defender of the faith: to our lovits, ^{magiers} of our privy council, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as we, considering the frequent rebellions that have been lately raised by rebellious and unnatural subjects, within this our ancient kingdom, contrary to their native allegiance, to the destruction of our government, and the peace and quiet of all our good people, and the extravagant and impious principles, which have been the necessary and fatal consequences thereupon ensuing, we did, amongst other remedies, ordain these who were in arms, and these who had reset them, to be legally cited before our justices, to the effect they might be tried: and notwithstanding that all fair and legal opportunities of defending their own innocence had been offered them; yet many of them being now denounced rebels and fugitives from our laws, we are resolved to prosecute them, till they be brought to condign punishment; and therefore we have appointed an exact roll of the said persons, so denounced, to be printed, requiring all our subjects, not only not to comfort, or harbour the said persons, but likewise to do their utmost endeavours to apprehend them, as far as in their power, and to give notice to our next sheriffs, bailies of baileries and regalities, stewarts of stewartries, and magistrates of burrows, and other officers and ministers of our law, and to the officers of our army, when they know that any of them lurk in their bounds: as also, in case there be any contained in the said rolls and list, that have been denounced through their negligence or ignorance, although they have subscribed the bond, or taken the test, as was prescribed by our former proclamations, therefore, we, with advice of our privy council, yet allow any of the said persons who shall, betwixt and the first of August next ensuing, clear to our justices, that they have taken the bond or test in due time, to be thereupon relaxed gratis, before our justices; and our justices are hereby allowed to desert the diet against them, they compearing, and being relaxed, as said is. And to the end it may be better cleared who have taken the said bond and test, all persons, who were commissioneate to administrate the same, are hereby required and commanded to send in, to the clerks of our privy council, the bond and test so taken before them, betwixt and the said first day of August next, certifying them, if they fail, letters of horning shall be direct against them, under the signet of our privy council, to that effect, upon a charge of six days, under the pain or rebellion, &c. And to the effect our pleasure in the premises may be made known, our will is and we charge you straitly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and remanent market-crosses of the head burghs of the shires of this kingdom, and other places needful, and there, by open proclamation, make publication of

great matter upon which they were cited who are fugitated, but it was but very few of them who had been in the rising, and they were only guilty of the alleged reset

of persons who had been there; and if the reader look back on what hath ^{1684.} been said, he will see, that none in the west or south were free of converse with such

the premises, that all persons concerned may have notice thereof.

Given under our signet, at Edinburgh, the fifth day of May, one thousand six hundred eighty and four years, and of our reign the thirtieth and sixth year.

Per actum Dominorum secreti concilii.

WILL. PATTERSON, Cl. Secr. Concilii.
God save the King.

Follows the List of the said Fugitives, to which the Proclamation relates.

Fife.

John Henryson servant in Kinkel
Mr Arthur Cowpar in Abercromby
Thomas Abercromby servitor to Alexander Young in Muircambus
James Gellie weaver in Falside
Magnus Gourlie in Over-pratus
John Duncan in Muircambus-mill
James Kinnier, servant to Hackston of Rathillet
James Stevenson in Cowkecky
Thomas Miller in Pitdonnie
John Brown, servant to Henry Craichin Innerkeithing
Patrick Robertson in Linkton
Walter White in Craigow

Pride in Muircambus in Sainford

Mr William Reid, a field preacher
John Scot in Pafeld, or Lathons
Donald Clerk in Inverkeithing
Robert Bogie in Newbigging
William Robertson in Kinnauchar

Thomas Bell in Beilston, tailor in Largo

Fugitives for reset in Fifeshire

John Hederwick tenant to Riras
Margaret Norie, mother to John Duncan in Muircambus
Alexander Young in Muircambus
Margaret Denme in Pitdonnie
John Elder shoemaker in Anstruther Easter
Thomas Bruce webster in Anstruther Wester
James Finlay in Balchristie

Kinross.

Alexander Dae in Galloch
John Flucker in Melkie Tilly
John Smith in Tiliwhally
Walter White in Tilly
George Simson there
Robert Kirk at the mills of Forth

Perth.

William Anderson in Abernethie
George Condie in Forteviot

Stirling.

John Clarkson son to Andrew Clarkson, portioner of Holthouse
Robert Raine in Falkirk
Robert Chiesly in Slamanno-moor
William Sutherland shoemaker in Falkirk
John Wilson tailor there
Edward Marshall of Kae-moor
George Mothrie far of Stone-rig
John Auld portioner of Balmitchel
John Steel smith in Boghil
Peter Gellie in Walkmill of Woodside
John Hastie of Boghaugh
Thomas Chiesly in Bogknows
James Muir son to Thomas Muir in Morvinside
Alexander Robertson in Torwood-head

William Clark in Larbert
William Young feuar of Seamores
John Stark elder of Banknock
Matthie in Kilmaronock
Mr Thomas Forrester sometime minister
Donald Connel in Buchlyvie
James Ure of Shargarton
Mr Patrick Rollo in Shargarton, in Kippen parish
Andrew Buchanan in Shargarton
James Forrester son to Robert Forrester there
Mr John Dougal son to Arthur Dougal in Ardmanvel
John Macdon in Ardmanvel
John Meiklehoose in the parish thereof
James Johnston in the said parish
Robert Wilson in Arnprior-burn
John Munoch in Arnprior
George Buchanan in Easter-Carden
Thomas Miller in Buchlyvie
John Risk in Killearn
John Key in Glens
Thomas Ure in the parish of Balfron
James Paterson weaver in Balglass
William Binnie in Balmore in Baldornock
Humphrey Stevenson in Balglass or Killearn
William Cunningham younger in Fianick
Thomas Brass in New Kilpatrick
John Hart in Throck
James Brown son to James Brown pigmaker there
Henry Greenlaw mason in Bannockburn
William Thomson schoolmaster at Grange
Mr Hugh White, brother to Alexander White of Hill
Patrick Walker in Drumaria
Alexander Arthur son to George Arthur in Rashiehill
George Russel in Balcastle
Thomas Walker there
James Falconer servitor to Robert Russel in Mill-rig
William and John Flemings in Moorside, or Morvinside
Lauchlan M'Lauchlan in Provanton
John Leckie servant to John Miller in Bucklair
James Buchanan servant to Bartholomew Park there
John Graham in Millguy
Brice Blair of Flunick
John Galbraith in Stonehouse, in Larbor parish
William Thomson there
Michael Colvil there
John Risk in Galbraith
John Johnston in Clochrabrae
John Paterson in Elphingston
John Ronald a tenant's son in Touch
Hugh Montgomery in Jawcraig
John Paterson in Golden-hove
Robert Forrester in Shargarton
William Carrick son to Patrick Carrick in Armore
Robert Ure in Wester Arngiven
David Forrester sometime of Culmore, not being David Forrester, who is now heritor of Culmore, and writer in Edinburgh

Resettlers in the said shire.

John Stark younger of Banknock
John Monteith portioner of Seamores

Dumbarton

James Brownlie feuar in Newton of Cumbernauld
Robert Allan son to Robert Allan of Waterhead
John Balloch in Cumbernauld
Alexander Arthur there
James, John, and George Russels sons to John Russel in Garbethills

who were at Bothwell, since good
1684. numbers of them were never staged
for some years, and openly frequented all
ordinary places of public meeting. The

Donald Bryce in Newton
John Young weaver in Kildrum
George Mochrie son to James Mochrie, wadsetter of
Easter Barloch
Thomas Smellie in Tarbrax
James Ker smith in Kirkintilloch
John Bryce there
James Wilson in Kilmaclunny
John Graham in the town of Buchanron in Kilpatrick
parish
Andrew Campbell mason in Dumbarton
John Stark younger of Kilmont in Kilpatrick parish
Rober Balloch in Temple in Barcob
John Mitchel in Hole
William Mackay in Newton of Cumbernauld
John Leckie in Bucklair in Easter Kilpatrick
Renfrew.
John Maxwell son to John Maxwell of Bogton
James Maxwell of Williamswood
John Wallace in Longside
Robert M'Ewen in Cathcart
John Anderson servitor to John Thomson, tenant to
Dovehill
William Urie in Bridge-end
John Dunlop servant to John Mitchell in Longside
John Mader servitor to John Thomson in Path-head
Thomas Cock weaver in Longside
James Greig son to James Greig in Castlemearns
Alexander Syme in Alas-bridge
William Jackson in Ardoch
——Stevenson shoemaker at east end of Poogton
John Jackson in Pollockshaws
James Shepherd in Longside
Robert Jackson in Eastwood, in Pollock Maxwell's land
Robert Pollock servitor to John Allison in Flender
William Wilson in the parish of Mearns
John M'Ewen in Eastwood, in Pollock Maxwell's land
Robert Taylor in Darnlie
Arthur Cunningham there
John Stuart in Kennished in Eastwood parish
John Gilmour in Mearns parish
James Murdoch in Kirkton
John Young there
——Holm son to George Holm, officer to Duchil
John Laing in Braeside
John Andrew, son to John Andrew in Torhil, in Kil-
barchan parish
Humphrey Atkin in Barmushloch
Atkin in the hill of Barcob in Erskine parish
Robert Fulton in Barrantree
James Young in Carswell in Neilson parish
John Govan in Caldwell
James Spreul in Uplaw
James Glen heritor in Renfrew.
John Houston there
Thomas Storie servitor to William Robertson in Walk-
inshaw
John Colquhoun in Barakeven
Cristopher Strang merchant in Paisley
John Wood in Killellan parish, in Pollock town
Hugh Love in Middleton in Lochwinnoch parish
Stuart his master for resetting him
James Niven in the Risk
Robert Orr in Newdykes
William Scott in Greenock
James Mowat there

design of printing the roll, is alleged to be
to prevent harbouring them, and to stir up
every body to persecute them. It allows
such as are wrong insert to the first of

Mr James Smith in Carsedyke
Kelso in Greenock town
James Love in Burtries
James Caldwell in Risk
George Stevenson in Auchinbathie
James Wallace there
John Fowlie in Newton of Mearns
George Pollock in Pollock town
John Syme in Shavock
James Rankin brother to John Rankin in Tofts of
Eaglesham

Lanark.

New Monkland parish.

John Thomson feuar in Gartqueen
John Russell portioner of Eastfield, forfeited
William Craigie in Airdrie mill
John Thomson son to James Thomson in Airdrie muir
John Keddar in Airdrie town, now cottar in Rashbush
Gavin Black in Craigneuk, in Monkland's lan
John Thomson in Shiels of Auchingray
John Gardiner in Gartley, son to John Gardiner there
Samuel Yuill in Laend
John Martin in Drumbowie
John Martin his son
Patrick Yuill in Brackenhirst, son to Alexander Yuill
there
Thomas Gentles in Habesdub
William Ker in Rochaoles, now weaver in Airdrie
William Waddel in Riding
Alexander Martin in Overshank

Russel younger in Meadowhead

William Dobie webster in Blackbog

Bothwell parish.

Robert Corse wadsetter in Uddingston
John Muirhead in Fulzet in Lauchop's land
James Hamilton of Parkhead, forfeited
Mr Thomas Hamilton of Reath, forfeited
John Lawrie son to John Lawrie in Aulderston
Arthur Cleland in Westfield, in Lauchop's land
John Buchanan in Sydrig
Matthew Johnston in Carnbrewhill
William Nimmock son to James Nimmock, gardener in
Orbiston
John Lawrie in Leidngston
William Corbie in Old-mill

Old Monkland.

John Scott son to John Scott, portioner of Kenmuir
John Morton in Neuk of Fascau
Robert Wark son to John Wark of Rinnie
James Johnston in Calder parish
Adam Cullan in Garturk
John Paton near to Roadfoot
Christian Johnston, for resetting Matthew Johnston in
Cairnbrewhill
Gavin Witherspoon of Heathryknow, now forfeited
John Corse in Stanie-rig
William Nicol in Mill-folds
James Baird of Dungeon-hill, forfeited
Thomas Matthe in Barrachrie
Alexander Crawford in Garturk
Thomas Donald brother to John Donald smith in Car-
mile
William Kirkwood in Craehead of Fascau
John Stirling in Langline
Shots.
John Steel servitor to Andrew Clark in Westermoffat
John Gilkerson in Bothwellshields

August, to get their relaxation gratis, by production of evidences of their having taken the bond or test; and there seems to be a prorogation of the time for taking the

test to that day, if I understand the proclamation. I make no remarks ^{1684.} on the rolls; there are many mistakes in them, but they contain a list of very good

David Bryce in Auchinlie
John Russel in Langbyres
James Lennox in Hill of Murdiston
John Forrest in Muirmealing
David Newlands there
John Inglis in Hunterahill, now in Darugavil's Land
John Brewallie in Windy-edge
James Miller in Bothwell-shiels
John Brown in Moffathills, now in Meadow-head
James Jamieson in Kittarie of Shots
Gavin Muirhead in Shaws
James Muirhead in Castle-hill
James Inglis servant to David Newlands in Meiklehare-shaw
David Newlands for resetting the said James
William Allan son to Thomas Allan portioner of Forrestburn
John Watson in Muirhouse of Murdiston
Alexander Yuill in Brackenherst
William Calderhead in Windy-edge, for resetting his son
James Whitelaw in
James Cather in Burn
John Paterson in Bothwell-shiels
John Waddel in Bedshaw
George Lealie in Dunsyston, now in Bedlornie
Andrew Storie son to Thomas Storie in Peperthill
Gavin Paterson feuar in Bothwell-shiels
Alexander Gray son to Alexander Gray in Bowhouse-bog
Robert Russel portioner of Windy-edge
Robert Manwel son to Richard Manwel of Easter-caldarhead

Crawford.

Alexander Moffat merchant in Crawford
Gilbert Watson sometime in Ormingil
Alexander Thomson servitor to the lady Gilkeraclough
John Williamson in Leadhill
James Muir there
Mr John Menzies in Wintercleugh
Gavin Wallace in Leadhill
Edward Atkin younger in Abington, in Crawford-john parish

James Tod merchant chapman, now in Lanark
Edward Atkin in Netherton of Crawford-john
William McCaithness in Gilkeraclough
John Thomson in Mosscastle
John Weir younger in Strangcleugh

Douglas.

John Haddow heritor in Douglas
James Wilson in Townhead of Douglas
Adam Thomson in Madingil
Matthew Fleming in Douglas
James White in Scrogtownhead
Archibald Wilson in Townhead of Douglas
William Cleland son to Thomas Cleland in Douglas
Thomas Cleland for reset of his son
William Robertson in Cotes
John White in Scrogtownhead
William Chapman merchant in Sandelands
Christopher Umphray merchant
James White son to Andrew White in Dinnan
James Gilkerson weaver in Rodinhouse
John Alston in Blackwood-mill
Joseph Thomson in Douglas
Adam Hodgson there

Lesmahago.

Thomas Steel of Auchlochan
James Weir younger of Johns-hill
David Steel in Cumberhead
John Steel in Waterhead
John Melkle in Burtries
Robert Fleming in Wester-Brackenrig
John Swan in Broompark
William Steel in Skellihill
Thomas White in Stockbridges
James White his brother
John Carscallan in Auchlochan
Gavin Hamilton in Meadow
Gavin Weir in Waterside
Andrew Leiper
John White in Neuk
Thomas Weir brother to James Weir in Johns-hill
James Lawson in Auchnotroch
John Telfer weaver in Lesmahago
Thomas Yuill in Newbigging
David Cleland son to Andrew Cleland in How-mains
George Young in Auchnotroch
George Waddel in Lin-mill
Thomas Brown son to William Brown in Town-foot of Auchlochan
Thomas Weir in Auchlochan
James Forrest son to John Forrest in Threpwood
Adam Muir in Crossford
Thomas Muir servitor to Archibald Forrest at the Boat thereof
John Muir servitor to John Forrest in Threpwood
Adam Weir in Crossford
John Templeton in Threpwood
John Cleland in Crossford-boast
John Stobo servitor to Janet Weir in Holmhead
Matthew Hamilton servitor to Craignethan
John Harvie in Holm of Carse, beneath Niviland
Robert Hamilton in Threpwood
George Jackson in Brackenrig
James Williamson in Burn
John Stuart in Underbank
Robert Stobo in Draffin

Coultter.

Robert Atkin merchant in Biggar
Alexander Smith weaver there
Thomas Weir in Lamington
Robert Brown smith in Hillhead of Covington
Archibald Falconer in Meadow-flat
James Thomson in Murrays of Thankerton
William Scot sometime in Pettinain
David Johnston in Clowburn
Thomas Simpson in Mill-hill

Quodquhan.

John Liddel in Bitland
Andrew Gilry in town of Walston
John Meek in Angelwood
John Newbigging in Carstairs Town
Thomas Stark there
William Pillans in Ryflat in Carstairs parish
Robert Muir in Netherton of Moss-flat
Thomas Johnston in Carstairs
Hugh Somerwell in Quodquhan
John Walker there
William Denholm of West-shiels

Lanark.

Robert and John Alstons son to Thomas Alston in Lanark

1684. people persecuted for conscience' sake.

May 17th, 'the council having appointed a committee to consider the case of the prison-

ers in the tolbooth, who have been long there without any probation:' Upon their report the council order eight or ten to be liberate, on promise to keep their parish-church;

Andrew Lockhart in Nemphar
Robert Logan son to James Logan lister in Lanark
William Scot son to William Scot in Byrehead, now in Holmhead
Richard Martin brother to John Martin in Nether-shiel
James Chalmers in Lanark
Archibald Simpson there
James Lockhart in Nemphar
Gideon Weir gunsmith in Lanark
Mr Thomas Pillans there, forfeited
James Park weaver there
John Semple mason there
Thomas Inglis shoemaker there
John Umphray merchant
Thomas Henselwood there
John Howison there
James Howison weaver there
John Morison shoemaker there
William Fergusson heritor in Lanark
Michael Lamb in Lanark
Robert Bruce in Nemphar

Carlisle.

John Gilkerson smith in Over-Kirkton
William Cadjow portioner of Wester-Cadjow
William Purdie collier to Sir Daniel Carmichael
John Cleland portioner of Yuilshiel
James Gray son to Archibald Gray
Alexander Hamilton in Langrig
John Hamilton there
John Weir tailor in Cumnock
John Fleming son to Robert Fleming in Fletchergate
Richard Meikle in Tweedyside
John Walker in Stonehouse
James Smellie in Milton of Dalziel, and parish thereof
James Campbell in Dalziel
Gavin Jack son to Andrew Jack in Arbles of Dalziel
Gavin Hamilton in Baron's Mains of Dalziel

Cambusnethan.

Robert Steel portioner of Stain
John Stuart in Goukthraple, now in Carnburne
Nathanael Brownlie living in Overton of Cambusnethan
Andrew Cleland in Finerton
William Purdie in Overton of Cambusnethan
John Forrest there
Gavin Brown there
James Brownlie servitor to the goodwife of Garinbaugh
Walter Pitcairn younger in Overton
James Watt there
Gavin Paterson in Overton
James Alexander gardener to the laird of Cultness
William Paterson in Murrays
John Baird in Kirkhill
William Brown in Towartbush, for reset
Thomas Steel in Cultness

Kilbride.

James Aikenhead in Kittochside
John Reid in Drips
Robert Lawson son to John Lawson in Clochairn
George Jackson servitor to James Young in Kittochside
James Young in Kittochside, for resetting him
James Mochlan sonto Hugh Mochlan in Filshil-mill
John Watt tailor in Kilbride
William Smith in Ardochrig
John Jackson in Airdston, tenant to William Luke

James Wilson in Hill of Drips
Andrew Struthers son to James Struthers in Skioch
John Fleming in Alehouse
William Fleming in Burnhouse
John Hamilton in Milton of Kilbride, called meikle John
William Armour in Allarton
James Strang in Lickprevik
Robert Granger in Nether-mains
John Howie in Woodneuk, or Woodside
Gavin Clark in Kittochside
Andrew Young in Kirkton of Kilbride, or Castletown
James Alexander sometime in Kirkton of Kilbride, now in Greenlaw
John Bawdie younger in Newlands
David Threpland in Peil, now in Filshil-mill
John Struthers in Millhouse
Alexander Dalgleish in Lickprevik
John Lindsay son to Archibald Lindsay in Clochairn
Archibald Lindsay there, for resetting him
John Bryce son to Andrew Bryce
Robert Wark or Warnock in Thornton
John Reid in Stainyside
John Craig son to Thomas Craig in Thorn
Mungo Cochran in Kittochside of Kilbride
John Strang in Corahill
James Strang his brother
William Park in Raehead, not being William Park of Larefad, who is assailed by an assize
Thomson's sons to Gabriel Thomson in Haremuir
Andrew Young in Kittochside
John Granger in Flakfield
William Thomson in Cleirand
Gavin Filshil in Busbie
John Watt in Flakfield
John Marshal in Cleddans
Andrew Leper there
John Fleming cordiner
James Alexander son to Robert Alexander in Greenhill
James Craig in Allarton
Robert Reid in Jackton
John Arbuckle in Bogton
Andrew Thomson in
Pollock son to David Pollock in Murray-hill
John Wilson in Highlet
John Hamilton in Rogerton
Craig son to James Craig in Mains
John Miller in Long-Calderwood
James Park in Brisea
John Lindsay in Kirkton
James Granger in Flakfield
William Hamilton in Broomfield
William Paterson in Huntlirig
Baird son to William Baird in Coras
James Barrie brother to John Barrie younger in Newlands
Thomas Davidson in Shiels of Kilbride
Hamilton.
James Paterson maltman in Hamilton
Thomas Brown younger shoemaker there
John Bell son to William Bell weaver there
John Atkin shoemaker there
John Paterson weaver there
David Crawford tobacco-cutter
James Tacket in Brimleton

they were poor country people, who had nothing to maintain themselves, and had been imprisoned for reset and noncompearance, and would not take the test. "But

remit George Hutchison of Harelaw, and George Jackson, to the justices, 1684. and continue their proceedings against David M'Livie tailor; John Hodge sword-

Robert Semple in Kilhill
Gavin Burn indweller in Hamilton
Carmunnock.

Archibald Reid in Castleton
Thomson in Gallowhill
Matthew Park in Muirside
George Park his brother
Robert Ker in Bouse
William Smith son to Robert Smith in Waterside
James Parker in Busbie
John Stainly there.

Blantyre.

Andrew Reid servitor to Robert Smith at Blantyre kirk

Rutherglen.

William Riddel feuar in Rutherglen
George Muir there
George Scot there

Miller son to Gavin Miller in Bank
James Johnston in Gartushen in Calder Parish
John Murray in Ballachnay, in East-Monkland Parish
John Donaldson portioner of Auchinloch

Dalsersf.

Andrew Paterson younger in Dalsersf
Robert Hastie in Dalbeg
John and Gavin Watsons in Over-Dalsersf
Gavin Hamilton in Greenhill
James Pinkerton son to Robert Pinkerton in Carsulloch
James Shirrelaw son to James Shirrelaw in Dalsersf
James Coupar in Overton of Dalsersf
John Coupar in Dalsersf
John Muir servitor to John Coupar in Overton
John Paterson tailor in Dalsersf
Thomas Summer in Over-Dalsersf
John Prentice in Howlathole
Thomas Stuart of Cultness

Glasgow.

John Blair tanner in Glasgow
John Urie maltman in Bridgegate of Glasgow
Patrick Urie cooper there
John Robertson cooper there
James Cunningham merchant in the Bridgegate
James Cunningham younger, merchant
James Hamilton weaver within the Stable-green-port
Robert Goodwin maltman
Roderick Macdonald shop-keeper in the Saltmarket
Robert Miller skinner at the Bridgegate
Richard Ronald cooper
Robert Rae weaver
John Bogle pewterer in Glasgow
Neil Aikenhead in Shettleston, in the Barony
Alexander Stuart in New-meal-market
John Hodge armourer
James Mackintosh merchant in Glasgow
Scot son to John Scot in Muirside
John Scot in Muirside, for resetting his son
Mr Walter Marshall
William Smith son to James Smith cooper
John Mitchel tailor in Glasgow
Charles Watson there
John Aird merchant there
John Baird merchant
John Buchanan maltman
Matthew Pollock tailor
William Baird cordiner
John Gilliam cordiner
Alexander Peacock, for resetting him

Robert Graham cordiner
Robert Smith cordiner
James Scot weaver in Gorbals
John Finnison in Rothesay, in the Barony
Thomas Bogle merchant in Glasgow
James Colquhoun corporal
William Smith son to Smith water-bailie in Glasgow

Provan or Govan.

John Finnison elder in Gantcraig
Alexander and Peter Finnisons his sons
James Watson son to Margaret Rainie in Wester-counzelle
John Govan younger, portioner of Shettleston
James Logan tenant to Robert Wallence in Hillhead
John Baxters elder and younger, tenants to Robert Campbell

Meikle-Govan.

John Baird son to James Baird in Meikle-Govan
Robert Baird his brother
James Baird in Meikle-Govan, for resetting his son
John Muir in Muir of Gorbals
Shiels son to John Shiels in Muir
John Shiels in Muir, for reset
John Cumming weaver in Gorbals
Thomas Urie in Little Govan
Robert Muir in Titwood
Robert Thom in Little-Govan

Evandale Parish.

Mr John Rob son to Andrew Rob in Walsley
John Lickprevik son to John Lickprevik in Strathaven
James Lawson younger there
Gavin Alison son to Gavin Alison in Crewburn
John Inglis weaver in Strathaven
Andrew Dykes in Linbank, not being Andrew Dykes in St Bryde's Chapel
Thomas Brownlie portioner of Torfoot
Captain Thomas Young tailor in Strathaven
James Fram weaver there
John Cochran in Chapel
Alexander Craig maltman in Strathaven
George Arkil
John Brownlie son to Thomas Brownlie in Strathaven
Thomas Brownlie for resetting his son
William Miller maltman in Netherfield
William Cochran in Crewburn, now in Glassford
John Steel younger in Castlebroket
Thomas Watson weaver in Little-kyp, now in Yards-bent
Thomas Craig in Craigmuir
James Willock younger in Glengival
William Willock servitor to John Peacock in Craigbridge-end
John Peacock there, for resetting him
John Cochran son to James Cochran in Barnhill
William Cochran in Cairnduff
Mungo Dykes in Kirkwood
William Falla litster in Strathaven
The Persons following, being continued from the Glasgow Circuit to Edinburgh, are Fugitives for not compearing there.
William Thomson Procurator in Lanark
Gideon Crawford merchant in Biggar
James Muirhead younger in Lanark
James Thomson in Harestocks
John Browning there

1684. slipper in Glasgow, Archibald Shiels, James Gray of Chryston, Mr William Wishart, William Scot in Libberton, are continued until the council further

consider their condition. The committee for public affairs, May 22d, find, that some of the rebels who have neither taken the bond or test, and have been made use of by

John Scot in Cleddans
John Simpson maltman in Glasgow
Archibald Scot smith in Gorbals
John Marshal of Chapel
John Forrest in Threpwood
John Marshal in Kilsyth
David Gilkerson tenant to Mauldslic, not being David
Gilkerson in Bowman-hirst
Thomas Allan portioner of Forrestburn
John Nasmith, called Baron-john
Umpfrey Stevenson in Killearn
Ayr-Shire.
Galston Parish.

John Campbell in Auchinruglen
James Lambie in Lady-brow
Andrew Smith smith in Galston
Mr Matthew Campbell of Waterhouse, forfeited
James Melkie in Auchinbat
Michael Finlay in Newton
John Lambie son to George Lambie of Crofthead
John Browning younger in Riccarton
William Gilmour in Galston
Mr James Brown late chaplain to Cesnock
Hugh Rainie barrowman to Sornbeg
William Craig tenant there
John Miller tenant there
Thomas Lambie in Langside
James Smith in Threpwood
James Dunlop late servant to Waterhouse now in
Know
Robert Mitchel of Barleitch
James Lambie elder in Lady-brow, for reset
William Wallace in Millrig
Thomas Gebbie in Newton

Mauchlin.
William Dripps in Nether-hillar
John Gibson in Mid-hillar
Alexander Pedin in Blocklerdyke
John Pedin portioner of Hole-house
William Donald heritor of Carleith
James Simpson younger in Blackside
John Paterson of Daldillan, forfeited
Robert Leper in Sorn
Alexander Corbet servant to Robert Henry in Burn-
shiel
Alexander Jamieson servitor to Matthew Alexander in
Croft-foot
Andrew Wylie of Logan
John Lindsay younger of Long-dyke-hill
Richard Walker smith in Barehouse
Adam Reid in Mauchlin
John Macgavin tenant to Kinzeancleugh
James Fisher there
William Macgavin smith in the Haugh
John Mitchel of Breichhead, or Bogwood
John Henry servant to John Pedin in Meadowhead
William Adam servant to John Alexander in Crofthead
William Anderson servant to Smiddishaw
John Mitchel servant to William Mitchel in the Hill-
head of Gilmour-croft
William Dunbar servant to Robert Farquhar of Cath-
airn
William White there
Robert Pedin son to Hugh Pedin in Walk Mill of Sorn
Pedin also his son
George Wylie in Daldillan

Andrew Niven in Dalgain
Matthew Anderson servant to William Ross in Hillar
John Law son to John Law portioner of Barneight
John Muir portioner of Hole-house
John Mitchel of Bogwood
John Semple factor to Barskimming
John Marshal fenar in Mauchlin
James Millar in Hangh
James Mitchel in the Aird
Robert Mackirrow son to Robert Mackirrow in Little-
farden

William Hunter in Blocklerdyke
Adam Wilson in Sorn
John Mitchel cordiner in Whitehill
Muirkirk.
William Campbell son to William Campbell of Shaw
James Aird son to James Aird in Greenock town
John Brown of Priestfield, for reset
John Campbell brother to Wellwood
John Paterson in Muirkirk parish
John Campbell of Alehouse-burn
James Edward son to Thomas Edward portioner of
Greenock
John Reid in Dalfram

Dalmellington.
John Sloas portioner of Dalharfrow
Robert Dun in Bewwhat
Roger Dun there
Gilbert Macadam portioner of Dalwhat
John Dick in Benbain
Quintin Dick there
Hugh Cameron in Dalmellington
John Cameron there
William Cameron there
David Macadam in Town-head
James Macleir in Chamberston
Andrew Mactagat in Dalmellington
John Macmelking there
Walter Hunter younger there
Thomas Muir in Craignat
James Dick servant to John Cunningham in Keirhill
John Miller in Keirhill
David Wallat in Dalmellington
Adam Allan in Keirhill

Ochiltree.
Charles Colvil younger in Townhead
James Johnston son to John Johnston there
David Dun in Closs
William Symonton in Butts
Mr William Gilchrist son to the schoolmaster in Ochiltree
Cumnock.
Mr John Halbert in Cumnock, forfeited
James Mitchell cordiner there
Crichton in Craigman, son to Robert Crichton
there
Patrick Gemmil at the old Castle of Cumnock
William Stillie there
John Reid in
Alexander Stillie in Townhead of Cumnock
John Tennant at the old Castle of Cumnock
James Dalziel near the Kirk of Cumnock
John Wood son to Hugh Wood in Lewis
William Lambie in Polquhays
James Steel tenant to Carleton
George Gemmil in Minaucht
Greig there

the laird of Meldrum, and some others having commission, to discover rebels, do think it fit, in regard they are under process, and so not bailable, that they be put in prison,

and the justices proceed against them with all speed." This is the reward ^{1684.} some of those, who were useful to Meldrum and others in their oppression, got, and

Robert Murdoch in Knockmarnock, tenant to Drumsay
John Mackechan in Auchingibbet
James Wilson at the old Castle of Cumnock
William Skilling in Pablow
John Campbell in Townhead of Cumnock

Auchinleck.

William Mitchell of Glenmuirhall
John Mudie in Cuba-mill
James Sampson in Haplane.
George Templeton in Duston
John Mudie in Auchinleck
David Mudie in Cuba-mill, for reset
Thomas Campbell in Hole
Andrew Richmond in Waterside.

Dalrymple.

David Paton younger in Martnam

St Quivox.

John Watt servant to John Logan gardener in Millholm
Spir servant to Alexander Arneil cordiner there.

Adam Morton in Shiels
John Bon in Millholm
Thomas Bon there

Cragie.

James Bell in Cairnhill
Daniel Wood there
James Gotrie there
Thomas Gemmell in Carngil
John Mougeraland now in Riccarton
John Mackimming in Town-end of Adamhill
Robert Stevenson in Carnhill
Robert Goodie in Moss-side

Culton.

Robert Murray in Knockmurrin.

Barnwell.

Robert Hunter in Faill
William Pardie in Spittleside, or Cocks-well
Adam Livingstone in Spittleside
Charles Humphrey in Tarshaw
Moses Walker in Broom-hill
John Humphrey son to Charles Humphrey in Tarshaw

Monkton.

John Henryson in Newton of Ayr
William Wilson in Preslick.

Tarbolton.

Allan Bowie portioner of Drumley
James Ritchie there
William Humphrey in Cairngillan
Robert Hunter there
John Tunnock in Wellflat
John Wilson in Out-mains
John Harvey in Overton
Alexander Harvey there
Patrick Dalrymple in Templand-burn
William Humphrey in Walston
Adam Humphrey in Halrig
John Humphrey in Birks
William Hunter in Clum
Matthew Hood in Tarbolton
William Spier son to John Spier officer in Overton
Thomas Spier there
Hugh Atkin in Adam-croft
James Atkin there
John Brackenrig tailor in Tarbolton
John Dunbar in Auchinweik
John Campbell in Yate

James Templeton in
John Hunter in Langlands
John Kirkland cordiner in Burnhouse.
John Humphrey there
Adam Humphrey there
Robert Walker tailor in Tarbolton
Gilbert Wilson in Path-head of Enterkin
William Campbell in Boghead
John Ferguson in the mains of Enterkin
William Brackenrig in Shakethill
Hugh Fleming there
Adam Wilson in Alton-burn
William Dunbar weaver in Tarbolton
John Jamieson son to Andrew Jamieson in Enterkin.
William Roxburgh in Tarbolton parish
John Hunter in Blackhill
William Ingham in Cairngillan

Riccarton.

James Spier in Wraes
John and James Hillhouses sons to John Hillhouse in Hoodstain

Alexander Shaw servant to John Shaw in Mosshead
William Andrew coachman to Robertland younger
William Ross servant to Hugh Ross in Burnfoot
George Wilson servant to Adam Allan in Boghouse

Town of Ayr, and parish of Alloa.

John Mitchel in Ayr
James Richard cooper there
John Paterson in Alloa
Thomas Donaldson in Ayr
John Martin merchant in Ayr
Alexander Macculloch merchant there

Dundonald.

Robert Fulton in Dundonald
John Learmont in Corsbie
Thomas Roadman in Dreghorn, now in Kilmaurs

Symington.

David Wallace in Waxford
Siller in Whitehill, brother to David Siller in Dalkeith
John Crawford in Symington
Hugh Crawford

Loudon.

John Nisbet in Hardhill
John Woodburn in the mains of Loudon
George Woodburn there
Robert Woodburn there
William Woodburn there
William Smith there, servant
Hugh Nisbet son to the said John Nisbet
James Nisbet in Highside
Thomas Donald servant to Alexander Nisbet in Kna-vacklaw
Peter Aird in Crimnan
John Leitch shoemaker in Newmills
John Richmond younger of Know
James Brown, called Breichburn in Newmills
John Campbell in Loudon-byres, alias Bolt-foot, officer to the earl of Loudon
James Campbell in Heads
James Reid in Meadow-head
William Lambie in Hareshaw
John Cock portioner of Loudon-hill
John Napier Cooper in Newmills
Thomas Wood in Windshiele
John Thomson in Foulpale

readily, however the treason for a
1684. season was encouraged, yet the traitors were hated.

Towards the beginning of June, the fa-

mous conventicle at the Black-loch broke out, which being the occasion of much trouble to many gentlemen and ministers, I shall give what I meet with thereanent in

John Brown in Craeland
Robert Rainie in Loudon
Robert Brown in Crosshouse
Andrew Aird in Auldton
William White in Craigenda
John Wood in Newmills or Gullfoot.
Robert Smith younger in Loudon-hill
Patrick Murdoch in Loudon
John Stuart in Loudon-byres
Robert Black servitor to Hugh Alexander in Broadlie
John Wylie in Loudon
Matthew Gemmil there
Thomas Douglas there
John Nisbet there
James Hamilton in Crae-lie
Michael Torrence in Habton
Robert Craig in Dykes
Thomas Cameron in Muirhead
George Spence in Mains
John Campbell in Overmuir
Robert Montgomery in Mill of Newmills
John Gilbert in Mains of Loudon
Archibald Jamieson in Newtack
George Nimmo in Loudon-hill
Fenwick.
Robert Wallace servant to John Hall in Glassel
John Miller portioner of Raithmuir
James Lindsay in Glerfin
Thomas Lindsay his son
Alexander Dunlop a servant in Warnockland
Robert Lanchlan in Fenwick
Andrew Gemmil in Bembreich
John Gemmil in Nether-arnes
John Gemmil in Longdyke
Howie tenant in Lochgoin
Howie there
John White in Hareshaw-hill
James Kirkland in Gedrham
James Wallace son to James Wallace in Gree
William Currie wright in Gree
William Smith in Warnockland, not being William
Smith in Kilmaurs
William Ferguson a servant in Rowallan's land
William Wylie in Shisland
William Wylie his son
Kilmarnock.
John Finlay in Burnhouses
William Monkland in Walston
James Brown glover in Kilmarnock
Alexander Murkland bonnet-maker there
Hugh Dickie servant to John Dickie in Crooked-holm
Walkmill
Andrew Wallace in Kilmarnock
John Gemmil in Netherblackwood
John Brown in Castlehill for reest
Gavin Dunlop in Holms
John Gemmil younger in Muirhouse
John Atkin weaver in Bonnington
James Patrick in Wardlaw
John Wright in Crooked-holm
William Wylie in Little Blackwood, or Groudar
John Counel in Monkland-mains
John Craig in Gleb-lands
Stewarton.
James Smith at the kirk of Stewarton
Edward Smith in Chapelton

William Galt at the walk-mill of Wark

John Galt in Gateside

John Longmuir in Lochrig

James Johnston cooper at the kirk

Matthew Barclay in Babroch-hill

Hugh Dunlop in Kirksford

Hugh Watt in Stewarton

Kilmaurs.

John Miller in Kilmaurs

Thomas Rainie in Dalnustierlock

Hugh Garvin in Knockintibber

Robert Rainie in Fenwick

Thomas Gibson in

Hugh Stevenson in Knockintibber

Alexander Armour there

Adam Biggar in

Robert Smith in Kilmaurs

John Kirkland in Dalnustierlock

Dunlop.

George King miller in Alket

John Howie son to John Howie there

Robert Weir servitor to Neil Alexander in Dunlop

Robert Johnston in Peacockbank

Kilwinning.

Robert Fergushill notar in Kilwinning

Robert Gulliland in the parish of Kilwinning

William Wilson in Kilwinning

Town and parish of Irvine.

Thomas Bryce in Irvine

William Miller tailor there

Alexander Stevenson there

William Macleish sailor there

Robert Gardiner smith in Irvine

William Logan shoemaker there

Stevenson,

John Maclellan in Stevenson town

Kilbride.

Thomas Frow in Kilbride

James Lock there

John Lock in Laigh-ground

James Boyd in Kilbride

Largs parish.

James Crawford in Kelburn.

William Gald servitor to Alexander Thomson walker
in Largs

William Ross in Largs, formerly in Fenwick parish

Carriek.

Commonel parish.

John Macmelken of Kill St Ninian forfeited

Gilbert Eccles in Kildonan's land

Alexander Gordon in Leinzle of Kildonan

Gilbert Mackilwraith in Dalwharroch

John Macneish son to Gilbert Macneish in Fardem

Macneish his brother

Alexander Maclemont weaver in Barbee

Thomas Inglis younger in Knockbreck

James Macalexander son to the laird of Coraclays

John Macilvecok in Hirkhill

Ballantree.

James Macneilly of Auchairn

Matthew Richmond in Ballantree

James Rowan in Hardlagan

Thomas Mackissoch in Softlagan

William Rowan brother to Robert Rowan in Fordhouse

David Rowan in Smierton

Hugh Macilwraith of Auchinfour

the registers. Conventicles now were very rare, and the managers make as great a bustle about this, as if the whole country had been up. The committee for public

affairs, who now have much of the council business among their hands, ^{1684.} meet June 10th. That day they have information, that on the 8th of June, a con-

Andrew Macgill son to John Macgill in Arielelyoch
Thomas Macgill in Balmoular
William Macmeiking servitor to James Mackrerie in
Craig in Glenap
Arthur Maclemon in Shallochan
Robert Rowan in Fordhouse
Finlay Rowan in Smierton
Girvan.

John Logie in Milton of Assil
John Keenan in Girvan
John Macilwraith in Dinvin
James Ferguson in Mill of Assil, for reset
William Lemond in Pound-land
Dailey.

MacIarchan son to Andrew MacIarchan officer
in Bargeny
David Kennedy son to John Kennedy in Currow of
Bargeny

John Semple in Eldingston
John Stevenson younger in Cambregan
Thomas German there
Thomas Maccubin in Blair
John Macalexander younger of Dumochrin, forfeited
Gilbert German weaver in Dumochrin
Hugh Purdin miller in Dumochrin
John Bryce in Drumillan
Barr.

James Macjarrow in Shang
George MacIure of Bennan
John Macjarrow of Pengeroch forfeited
Gilbert Macilwraith of Dumorchie
William Mackenna in Holm of Landochty
William Macilveyand in Merkland
John Muir in Shang
John Macalexander in Doulgarg
William Keenan at Barr
Robert Caldwell in Bellimore
Straiton.

John Muir tailor in Straiton
John Alton in Binnan
Allan Carrie in Larga
William Carrie there
John Macgyalloch in Clattie
Hugh Macgyalloch there
Thomas Maccaffie in Larg
James Sinclair in Bennen
William Logie in Straiton
John Kennedy brother to William Kennedy there
Thomas M'Tyer in Bishop-land
Andrew M'Tyer there
Robert Graham in Glenhead
John Muir in Auchinroy, son to David Muir there
George Thomson in Overgrimat
William Macadam son to Quintin Macadam in Glenhead
Alexander Brackenrig tailor in Straiton parish
Thomas Black in Brockloch
Maybole.

David Campbell in Dinein
Hugh Mar in the barony of Greenan
Kirkoswald.

Matthew Donald in Arleffin
James Dykes gardener in Thomaston
John Macilwraith in Farden
James Boyd weaver in Mounthilar, in Galston parish
David Reid in Barneight, in Mauchlin parish
John Mitchel in Dalgairn, late servant to the lord Bar-
geny

Robert M'Gavin in Cumnock
Macjarrow of Aldi-albany
William Campbell in Townhead of Cumnock
James Boyle servant to John Crawford now a chapman
in the said parish
William Aird in Duncansemar, in the said parish
John Stuart in Shaw-wood, not Shaw-wood in St
Quivox parish
George Wilson piper in Whitehill, in Tarbolton parish
John Gray in Sandgate, in the said parish
John Gray in Tarbolton
William Ingram there
David Chartres merchant in Townhead of Ayr
Richard Riddel in Ayr
James Henry in Powkelly, in Fenwick parish
John Harper in Arness, in the said parish
John Arnot in Hareshawhill
Alexander Cameron younger in Hill of Powkelly,
parish foresaid
William Henry in the said parish
James Gemmil tailor in Mains, in Kilmarnock parish
John Anderson servant to Matthew Paton in Rushaw,
in the said parish
Brown son to John Brown in Castlehill, in the
said parish
John Bicket son to David Bicket in Bonnington, in the
said parish
Andrew Warnock in Irvine
Mr John Cunningham a vagrant preacher
John Gray in Irvine
Gray his brother-in-law
John Gray servant to Bedland
John Garvin in Irvine
John Maclean in Dobiston, in Dalley parish
Thomas Mackakimming in Auchneicht, in the said parish
William Mackenna servitor to Mr Fergus Macalexander
in Barr parish, not being William Mackenna in Bar,
who hath tested

John MacIerny in Milton, in the said parish
William Maclean in Aldi-albany, in the said parish
John Macnabin in Auchinsoul
David Macquarter in Auchnaroch, in Kirkmichael parish
William Thomson in Drummore, in the said parish
John Smith in Drumlash, in the said parish
Lockhart son to David Lockhart in Cranew,
parish foresaid
John Bryce servant to Drumellian younger, parish
foresaid
Thomas Gottrie in Cairnhill, parish foresaid
Robert Macferries in Macarlagton, parish foresaid
John Macquarter in Drumhill, parish foresaid
William Dunn servant in Balagart, parish foresaid
*The persons following were continued from the circuit,
to a diet at Edinburgh, and are fugitives for not
comparing there.*

James Paterson in Ayr
James Ferguson in Ashlie-mill
John Aird in Auchinloch
William Mitchel in Creoch
John Hood in Tarbolton
David Gemmil in Horse-hill
William Gibson meal-maker, lately in Cotestraw
William Macneilly son to Alexander Macneilly now in
Mains of Arstinchill
John Arthur in Borland
John Howie in Craich-head
John Wilson in Saltcoats, in Ardrossan parish

1684. venticle was designed at Black-loch, where an hundred men were said to be in arms together; that a party of soldiers were sent out under colonel Windram, who

traced them out, and pursued, but did not overtake them. He came to the Muir-head, and traced them to Cambusnethan church, and thence to the ford of Clyde,

Wigton.

Thomas Macneilly in Portpatrick parish
James Semple there
Andrew Martin of Little Aries, forfeited
William Kennedy in Barnkirk
James Stuart son to Archibald Stuart in Causey-end
Patrick Vause in Mochrum parish
John Hay brother to Aryalland
James Macyacky in Kenmuir
William Macjarrow servant to Culvennan
George Stroyen in Kirkowan parish
Archibald Stuart in Causey-end
Alexander Clingen in Kilellan
Alexander Hunter of Culwhassen, forfeited
James Soffley merchant in Wigton
James Martison in Glenapil, in Peningham parish
John Hannay at the mill of Peningham
John Martison in Glenmougil, in the said parish
Hugh Macdoul weaver in Wigton
James Cairns in Peningham parish
John Maclurg smith in Monnigaff
Patrick Murdoch of that ilk
Patrick Dunbar younger of Machrimore
William Stuart son to Stuart wadsetter of Larg
Anthony Stuart his son
Stuart his son
Michael Mactagart liferenter in Glassock
Mr William Hay brother to the laird of Aryalland
John Mackilhaffy in Craichley's Land
James Macyacky there
William Wilson in Stranraer
William Tarbran late bailie there
Joseph Macdoul servitor to Sir David Dunbar of Baldoon
Alexander Hay of Aryalland
Alexander Maclellan in Carse of Baltersan
Stewartry of Kirkcudbright.
Adam Smart in Kirkcudbright
Samuel Gelly gardener there
Samuel Campbell weaver there
John Heuchan
James Robertson merchant there
Alexander Mackean tailor there
Thomas Paulin there
Adam Macwhan there
Gabriel Hamilton there
John Clark there
Alexander Morton there
Robert Grier in Lochinkit
James Mackartney fisher in Kirkcudbright
William Kevan in Stockin
Neilson younger of Corsack
Samuel Parker chapman in Twinham parish
Alexander Birnie in Colkegrie
William Halliday in Glencape
James Macgowan in Auchingask
Martin in Kirchrist
David Braidson in Quarters
Thomas Sprout in Over-bar-chapel
Halloun in Lairmanoch
Robert Cadjow in Craig
Hugh Mitchelson
Alexander Campbell weaver, sometime in Uroch
John Chartres in Tongland
Welsh of Scar

Alexander Campbell miller, sometime in Uroch
James Durham in Edgarton
Anthony Macmillan in Stonebrae
John Rae in Slachgarrie
Richard Machesny in Moit
John Carsey in Blackmire
Archibald Machesny in Balhassie
James Macdoul servitor to Henry M'Culloch of Barholm
John Auchinleck son to John Auchinleck elder in Balgraden
Robert Miller in Laigh Risco
Alexander Dugalston in Lagan
David M'Culloch son to the laird of Ardweil
Gilbert Gie in Marshalton
John Campbell in Marbrack
Alexander Porter in Lag
John Colton in Nether-third
George Campbell in Aresalloch
David Canon in Firmaston
John Gordon elder in Garyhorn
John M'Call weaver in Craigincar
John Macmillan sometime servitor to James Ferguson in Trostan
Fergus Grier in Brigmoor
James Macmillan in Glenlie
John Macmillan in Strangassie
James Gordon in Largmore
Henry Gordon in Lochsprey
Andrew Macmillan servant to New-galloway
John Crawford apothecary there
William Dempster in Armancandie
Thomas Murdoch in Barnsalloch
John Tait tailor in Barmaclellan
Alexander Mein in Armancandie
James Hook in Holm
James Halliday in Fell
William Macmillan in Aresalloch
David Mackie in Dalshangan
James Clark in Marbrack
Gilbert Macadam in Craigingilton
William Grier servitor to Marian Welsh in Glenhill
James Anderson in Shalloch
John Wright there
James Currie in the Glen
John Maclachrie in Larg
John Macjore in Keirland
Edward Gordon in Blacke
John Hannay at the bridge-end of Dumfries
John M'Gee there
Roger Macnaught in Newton of Galloway
Mr William Gilchrist,
Mr James Welsh,
Mr John Hepburn,
Mr James Guthrie,
Mr John Forrester,
Mr Lennox,
Mr Thomas Wilkie,
Mr Thomas Vernor,
Andrew Macmillan who haunts at Monnigaff
William Schaw in the parish of Burgue
Mactagart sometime in the said parish
Robert Gordon in Kilmair
John Gourley in Moudrogat

} Preachers.

and that about fourscore men and twenty women kept together all the Sabbath. June 12th the committee send out orders to General Dalziel, at this time in the west

George Short, } who haunted in Tongland parish
Robert Cochran, }
William Macmillan in Bredenoch
Livingstone of Quintinespy
Gilbert Caddel in Borgue parish
John Richardson there
John Bryce there
William M'Gavin there
William Campbell there
Walter and Gilbert M'Gee there
James Robertson there
John Clinton there

Crichton son to Robert Crichton in Auchinshinoch

Macmillan son to John Macmillan in Glenlie

Macmillan in Greenan

Gibson son to Robert Gibson in Overstrangaschel

Gilbert M'Ewen in Carsferry

Fugitives for reset and harbour

James Macnaught in Newton of Galloway

Gordon of Garrary

William M'Call in Holm of Daltanachan

John Hook in Holm

Robert Hillow in Hillowton

Andrew Crock in Iron-crogo

John Macmin in Fuffock

William Raffil in Iron-ambrie

Marjore in Kirkland

John Herron sometime in Earliston, now in Hardland

John Barber elder in Over-Barley

John Barber younger there

John Barber in Nether-Barley

James Girran in Clachan

James Macadam there

Alexander Gourley in Greenan-mill

James Macmichael in Clachan

George Douglas there

Edward Ferguson in Auchinshinoch

John Corsan there

Robert Grier in Reglen

William Edgar of Gordonston

George Macmichael in Carskep

John Macmillan of Iron-daroch

Andrew Wilson in Black-craig

Robert Macmichael in Craiglour

Alexander Macmillan in Glenrie

John Brown in Nether-strangaschel

John Maccheany in Hole

Robert Gordon in Clachan

Alexander Gordon there

John Macmillan in Glenlie

William Houston in Blareny

John Geddes in Bartagart

James Mulliken in Knocknoon

John Mulliken in Barscob

Samuel Cannon in Barnesalloch

Mr William Macmillan of Caldow

Robert Gam in Knocklie

James Garmorie in Armanady

Robert Mackartale in Quintinespy

James Edgar in Drumakelly

John Grier of Blackmark

William Stuart,

Patrick Marjore,

Gubert Welsh in Bank

} both in Crofts

country, to examine Gavin Lawrie in Redmire, James Stuart of Hart-wood, and James Walker of Rosenall chamberlain to Duke Hamilton. That

James Turner in Auchingibbet

John Collin in Auchingibbet

James Garmarie in the parish of Coramichael

John Garmorie in Trouden

John Graham in Chapelearn

Thomas and Robert Grahams in Ernefillan

John Gelly in Iron-crogo

John Clark in Drum

John Auchinleck in Dalgredan

Robert Crichton in Auchinshinoch

John Hislop in Midairds

John Macmillan in Dunveoch

Follow the Women who are fugitives for reset.

Marian Welsh in Glenhill

Grizel Richardson in Arnworth

Margaret Gordon in Mayfield

Elspeth Anderson in Shaw-head

Rebecca Macmichael at the Black-craig, in Dalry parish

Margaret Tod in Clachan

Bessie Gordon there

Jean Thomson at the Bridge of Orr

Grizel Fullarton good-wife of Balmagan

Grizel Gordon in Over-Ardwell, in Anworth

Gordon widow in Glenlie

Mary Chalmers liferentrix of Clairbrand.

John Welsh in Drumjowan

Roger Macnaught in Newton of Kells

Gilbert M'Ewen in Carsferry

William M'Call in Clachan

James Chapman there

John Struthers in Monnigaff

Robert Gaa smith in Clachan

Henry Gordon in Dundench

Alexander Corsan in Newton of Kells

Dumfries.

John Clark in Puskeoch

Ninian Steel in Glengar, in the parish of Penpont

William Clark younger in Glenum

John Glencorse in Carshogil

Archibald Hunter in Terreran

Thomas Hunter younger in Wood-end

John Corsan at the Mill in Glencairn parish, called Doctor Corsan

James Gilkerse in Holm

Alexander Muirhead in Glencarse

John Matthison in Shankerton

James Corsan in Jedburgh

William Harries in Kirkcudbright

Alexander M'Cubie in Marwhan

Robert Ferguson in the parish of Glencairn

John Grier there

Andrew Ferguson late servant to the Laird of Stenhouse

William Wilson in Burnfoot, in Glencairn parish

Thomas Macmurdy in Barbuy

John Maxwell servant to James Grier smith in Longmire

James Harkness in Locharbain

Alexander Nivinson in Kirk-bog

Thomas Mulligen at the Mill of Closeburn

John Padzean at the Mill of Bird-burgh

James Gilkerse in Holms of Dalgarnock

John M'Auld in Cleugh-head

John Wilson in Tuleoch

1684. day in the afternoon, the committee think fit to send west Sir William Paterson, clerk to the council, to be present with the general and others at Glasgow, to examine

all witnesses and take information, who, through the country, conversed with those rogues in arms, and to meet with the commissioners of justiciary now sitting at Glasgow;

Alexander Gibson in Ford
Robert Matherston in Land
James Harper in Bannan
Alexander Gressie in Clogland
James Mackeg in Milton
Walter Smith in Craighit
John Paterson in Macquithen
John Macmillan servitor to James Wilson in Straithmilligan
James Magachan in Craighbuttoch
Andrew Whitehead in Boig
Robert Lauchlison in Burnside
John Glover in Barshel
James Osburn at Keir-mill
James Watson in Hill-end
John Harper in Portrap
Robert Neilson in Dalswinton
Robert Morrin there
Robert Cowan in Auchingelth
James Smith in Dalswinton
James Robertson in Querrel-wood
Gilbert Gilkerse in Auchin-hastning
Archibald Paterson in Clogland
William Mulligen in Floors
John Mulligen in Malo-ford
John Smith tailor in Dalgouar
William Corsan in Jedburgh
Robert Grier chapman, sometime in Dumfries
James Crichton also there
William Fergusson son to the deceased William Fergusson in Three-rigs
Robert Dalziel in Cleugh-foot, in Dalgarnock parish
John M'Auld in Tibbers
John Weir wright at the old Kirk of Dunscore
Robert Mulligen son to James Mulligen in Beuchan
Halbert Gaa son to the deceased Thomas Gaa in Dumfries
David Watson son to the deceased James Watson at the Carse-mill
Smith son to John Smith weaver at Commonel
William Spence in Amsfield
John Monel at the Runner-foot
Robert Fergusson in Fore-mulligan
William Macneilly merchant, sometime in Dumfries
Robert Cunningham in Ketloch
Daniel Macmitchel in Lurg-foot
John Gibson in Ingliston
Robert M'Ewan tailor in Creichen, in Glencairn
Fugitives for reset and converse.
John Hunter elder in Chapeland, now in Auchin-hastning
James Mulligen in Beuchan
John Ker in Monygryle
James Kelman chapman
John Frizzel son to Thomas Frizzel in Auchincairn
John Harper in Kulling
John Harper in Bannan
Agnes Scot widow in Cocketfield
William Mulligen in Morton-mains
Thomas Harkness in Locherbain, or Laight
William Harkness in Mitchelslake
John Gilkerse in Holms of Dalgarnock
John Coulter in Linns
John Copland in Drumcork
Thomas Hunter elder in Wood-end

John Laidley in Coig
John Hunter in Belagan
William Hunter in Auchin-hastning
Thomas Howitson in Garvack
Thomas Hunter in Brackenside
William Lorimer in Morton-mill
John Glencorse in Bannan
John Johnston in Dalswinton
James Corsbie at Glencairn Kirk
John Glencorse in the parish of Tinran
Andrew Bell in Kirkland
Edward Maxwell of Strawhan
John Nicolson in Querrelwood
Stewartry of Annandale.
John Latimer in Cocket-hill
Thomas Latimer there
John Johnston there
John Forsyth in Carthat
John Armstrong there
Andrew Raining there
Matthew Armstrong in Robet-head
James Gass there
William Craik there
Adam Johnston merchant in Moffat
James Johnston in Hayhill
William Hannan in Foulraw
George Bell in Catlehill
John Paterson in Slate-mire
Robert Adamson in Moffat
John Clark in Nunrie
Williamson in Shortle
James Moffat chapman in Crawford-muir
James Forsyth in Carthat
Selkirkshire.
William Stoddard in Tinnis
John Curriel,
James Thomson, } chapmen travellers
Andrew Scot,
John Spelden weaver in Fairnielie
Adam Wilson servant to George Frater weaver in Gallashiels
Alexander Brownfield servant to John Small wright there
Thomas Symington servant to James Mein in Laidley-shiel
John Thomson son to John Thomson in Penchrist
William Inglis servant to William Lewis in Catalack-burn
Robert Gill in Gallashiels
Alexander Kirkwood weaver there
Peeblesshire.
William Forbes servant to Thomas Weir in Sclathole
Thomas Weir merchant traveller
James Mitchell cooper in Linton
Adam Hunter in Fingland
James Ramage in Skirlin
James Richardson tailor in Logan
William Porteous in Earls-haugh
James Welsh in Fingland
George Hunter in Corehead, for reset
John Welsh in Munion
James Nicol vagabond in the said shire
Roxburghshire.
James Blackie portioner of Melrose
David Gibson chapman there

and the advocate is to draw his instructions against to-morrow. Accordingly, the committee for public affairs give orders to the advocate, June 13th, to process the heri-

tors upon whose lands some rebels were lately seen in arms, conform 1684. to proclamation July 8th 1682, and consent to the instructions to Sir William Paterson,

Andrew Clark merchant in Gatton-side
James Mercer lately in Melrose, now in Yarrow
Andrew Turnbull farmer at the bridge-end of Melrose
Nicol Cochran in Newton
John Wright smith in Darnick
Walter Davidson feuar in Melrose
Patrick Davidson there
Patrick Black servant to Andrew Tanno there
Thomas Benzie chapman traveller
Michael Shiel son to James Shiel in Haugh-head
Robert Mabane in New-stead
George Moffat servant to Buckholm
Thomas Symington there
David Martin in Gatton-side
James Ferman miller in New-stead
Thomas Oliver son to James Oliver in Ash-trees
Andrew Jardine in Dyke-raw
John Laidley in Justice-lies
Andrew Oliver son to Andrew Oliver in Barnkine
Archibald Shiel in Mac-side
John Shiel in Gate-house-cote
Adam Rutherford in Bonchester-side
Walter Shiel in Abbot-rule
Andrew Young portioner of Caverton
John Graham servant in Newton
James Owen in Birk hill
James Turnbull portioner of Swan-sheil
James Glendonning in Burgh, in Cavers parish
Adam Ledan in Little-Cavers
William Armstrong in Horse-lie
Thomas Brown servitor to John Wilkie in Haffindean
Patrick Oliver there
John Ker gardener in Knows
James Johnston late servant to John Turnbull in Cavers
William Laidley in Little-Cavers
James Laidley in Kirkton
George Turnbull near Ederston-shells
George Telfer there
Walter Noble Taylor in Effladge
George Ormiston son to John Ormiston in Ormiston-mains
John Shiels in Buisamill
Shiels his brother
George Hodge gardener in Stichel
James Davidson in Hole-field
John Burnet servant to John Paterson in Gate-side
Andrew Hare servant to Andrew Ainslie in Cleugh
John Elliot son to Andrew Elliot in Nether-Chatto
Alexander Wood servant to James Fala mason in Kelso
Mark Hunter son to Hunter in Ancrum
William Davidson tailor in Kelso
James Riddel wright there
John Hodge weaver in Roxburgh
Thomas Yellowlacs servant to John Mein in Barns
Francis Murray herd in Nether-Chatto
John Fletcher servant in Over-Chatto
William Gilroy brother to John Gilroy in Rutherford
Thomas Turnbull in Ashlie-burn
Robert Turnbull his brother
William Robertson servant to Robert Grierson in Clair-law
William Wylie in Belshes
Thomas Aver in Bowdon
William M'Call there
James Brown servant to Fauch-hill
John Lindsay in Spittle-land

William Turnbull brother to Turnbull of Bewlie
William Laing in Earl-side
William Armstrong in Acre-know
Thomas Storie there
William Wigholm in Newton
John Anderson in the Barns
James Scot in Laica
Walter Atkin servant in Chatto
Andrew Moir in Netherton-shiels
James Glendonning in Stobat-cate
Patrick Telfer in Haffindean
Thomas Braiden merchant in Hawick
William Turnbull merchant there
Robert Gladstones there
Walter Scot brother to Thomas Scot tailor there
John Clunie barber there
Thomas Turnbull called captain
James Turnbull in Swan-shiel
Andrew Lamb in Newlands
James Glendonning in South-field
Walter Laidley in Ormiston
John Bell servant in Gorrinberry
James Johnston in Cavers
John Bell in Netherton-shiels
James Scot in Humble-know-mill
Robert Scot son to John Scot in Weins
Robert Scot sometime saddler in Fanesh
Thomas Scot servant in Hill-house-land
John Stuart in Cavers
Andrew Rainie tailor
John Ramsay in Hawick
Andrew Riddel in Little-Cavers
Andrew Lamb servant to Andrew Ogilvie
George Scot son to Thomas Scot in Bonchester
John Porteous weaver in Ancrum
William Armstrong in Tom-shiel-burn
Robert Elliot in Cruikham
Johnston fourth son to Bangleish
Thomas Beattie tailor there
Thomas Hodge schoolmaster in Nisbet
William Ronaldson webster in Jedburgh
William Elliot son to William Elliot in Nether-Chatto
Mr Adam Alcorn in Kelso
John Davidson there
Davidson son to Henry Davidson in Hole-field
William Faside in Ancrum
Mr George Barclay }
Mr John Rae }
Mr Thomas Douglas } preachers
Mr Forrester }
Mr Lamb }
Mr David Hume }
Mr John Kay }
John Owens in Melrose Land
James Paterson weaver in Daingelton
Robert Tait in Hungburn
Turnbull son to Adam Turnbull of Hawthorn-side
Patrick Wright servant to Grubet
Adam Laidley in Little-Cavers
Thomas Turnbull in Repertalaw
John Turner son to Richard Turner in Lillas-leaf-mill
Henry Laing merchant in Kelso
William Edgar servant to Newton
Robert Elliot in Stobs
John Wood lately in Kelso now in Lanark-shire

1684. which are as follow. That he wait upon the archbishop of Glasgow and the general, and show them, the committee expect further accounts of those lately in

arms, and on whose ground they were seen, and of magistrates, heritors, and others, who have been guilty of connivance, or supine negligence, in not giving an account of these

James Purves cooper in Ednam
Scot in Maxwell-heugh, a tailor journeyman,
who haunted in Greenhead's land
William Wright sometime servant to Sir William Bennet of Grubet
John Smith cordiner, sometime in Kelso
Redpath in Newton
James Purves in Stichel
Alexander Wood mason, servant to James Faa mason in Kelso
John Lauchop in Melrose
Matthew Rutherford in Over-Chatto
John Gilry in Rutherford
Thomas Shiel in Denholm
John Hall in Woolhe-mill, servant to Andrew Turnbull there
John Elliot in Cruik-hame
Robert Elliot in Bait-bank-head
James Greenshields in Birnie-know
Thomas Wauch son to Thomas Wauch in Glenderhead
George Shiel in Kelso
James Dunn weaver in Nether-Ancrum
John Smith son to James Smith in Nether-Ancrum
George Young servant to George Gray in Rupertlaw
Thomas Moffat merchant traveller
Robert Wright smith in Langshaw
Alexander Ross in Nenthorn
Adam Storie at Chester-house
George Lamb about Bonjedburgh-mill
George Young in Bedrule
Robert Young his brother
James Young their brother
John Simpson in Stobie-cote
Robert Tait in Hagburn
Robert Elliot in Stobs
John Thomson in Mabinshaw
John Turnbull candlemaker in Hawick, for reset
Robert Mercer in Darnick, for reset
John and Andrew Riddles in Newton, for reset
James Turnbull feuar there, for reset
Thomas Turnbull in Nether-Ancrum
William Lamb walker in Bonjedburgh
James Shiel in Laidley-steil
John Hogg weaver in Bonjedburgh
James Grieve in Nether-Ancrum
Adam Linkithgow in Melrose
Thomas Halywel in Gattonside
Thomas Turnbull of Know, for reset
Berwickshire.
Paterson son to George Paterson in Soutry
John Linkithgow in Earlsdon
Thomas Flebairn there
Thomas Carter in Ligertwood
Mr Alexander Shiel son to James Shiel in Haughhead
John Nairn servant in Hume parish
Robert Leich late servant there
George Miller tailor in Middle-third
John Pringle servant in Ligertwood
Andrew Storie tailor in Bassindean
David Brown feuar in Whitsome
James Brown there
Alexander Galbraith son to Alexander Galbraith in Chirnside
James Reston in Hutton
George Allan in Paxton
George Turnbull son to Hector Turnbull there

James Reston younger in Whitsome
Paul Cowan in Preston
Alexander Brown in Birken-side
Thomas Steil in Martin
John Blackie son to Blackie in Kittle-naked
Edward Lilburn in Hackellie
Thomas Pringle sometime in West-Struther
James Laidley in Weatherlie
Thomas Tait sometime at Flash
James Galbraith in Mordington
William and John Yeomans in Idington
Robert Wilson in Leitholm
George Dickson servant to the relict of Alexander Hume portioner of Hume
John Wright smith in West-Gordon
John Simpson sometime in Idington, now in Berwick bounds
William Tunoch in West-Struther parish
John Calder sometime in Whitsome
David Brown lately there, a webster and feuar
James Cowan farmer in Idington
John Hastie farmer there
Andrew Wood servant to John Wood in Green-law
Allan Gowdie sometime in Lady-kirk now in Elspeth Lorain in Mordington for reset
Thomas Service in Birghame
Thomas Yeoman in Idington
George Forrester in Paxton
David Cowan servant to William Ker uncle to Green-head
Haddington.
James Johnston son-in-law to the forrester of Fancail-land-wood
James Mowbray now in the barony of Broxburn
William Cathie servant to David Oswald of Eastbarns
John Young servant there
James Stevenson wright there
Alexander Carril weaver in Newton-Jess
James and Patrick Trails in East-barns
William Barnaby servant to William Cowan in Belton
William Watt servant to John Dawson there
George Tod weaver in Tinninghame
David Anderson servant in Tinninghame
Richard Shireff son to Patrick Shireff in Knows
John Carfrae servant in Houston
Patrick Johnstone cordiner in Haddington
Mr Robert Langlands son to George Langlands lately in Elvington
Alexander Campbell, chapman in Wester Pencaitland
John Knight, chapman in Wester Pencaitland
Thomas Brown in Standers
James Burn servant to William Wilson in Nungate
George Knox in Laehead
Andrew Alison chapman in Inverwick
Thomas Bell in East-barns
Cornellius Lyel there
John White chapman in Preston
James Taylor servant to the lady Long-formanous
John Simpson chapman in Broxburn
William Stevenson servant to Mr John Reid in Preston pans
Robert Brotherstones glover in Preston
Archibald Wilson hitster there
John Inglis son to James Inglis weaver in Wings
Andrew Redpath son to John Redpath in Middlemoss
John Lyel shoemaker in Inverwick

rebels, to the counsellors, or officers of the army, to be punished exemplarily conform to law, and the proclamation, July 1682, which clearly meets with this case; and

that Stuart of Hartwood and Walker be most strictly examined, and 1684. if not ingenuous, that they be imprisoned, and Lawrie to be strictly examined, and his

William Lyel shoemaker there
 Thomas Badger servant to Patrick Cowan smith there
 Thomas Sanderson servant to William Knox
 John Allen, } servants to the lady Whittinghame
 John Nelson, }
 William Kello servant to George Knox in Lachead
 James Fowler in Pople
 Andrew Dickson chapman in Howdon
 Adam Ker servant to Thomas Caldwell in Randerston
 William Knight in Over-Keith
 James Thomson elder in Elphinston
 James Johnston in Ormiston
 William Shiel Collier at Elphinston
 Patrick Barber baxter in Tranent
 James Miller smith in Wilton
 Thomas Craig brother to William Craig in Inverwick
 John and William Grieves websters in Woodhall
 James Heriot in Popilton
 James Bridges litster in Nungate
 Adam Hielop in Barna-mill
 William Brotherstones lately in Elvingston, now in Heilie
 William Blair servant to Redpath in Middle-moninet
 John Paterson late servant to the lady Whittinghame
 William Yuill in Traprain
 Alexander Bartol in Ormiston
 Halyday son to James Halyday in Elphinston
 William Stevenson in Prestonpans
Edinburghshire.
 William Cranston servant in Goodtrees
 James Harvey merchant in Dalkeith
 Thomas Henryson lately there
 Thomas Ramsay in Carrington
 Robert Wilson there
 George Pentland servant to James Wilson there
 George Haig wright there
 William Cumming in Stobs
 Alexander Bogholm lately in Carrington parish
 David Williamson barrowman to Sir John Nicolson of that ilk
 Robert Keddie servant to the gardener of Nicolson
 John Tinto servant to Stephen Brown in Nicolson
 James Barrowman in Esperton
 Robert Niven there
 John Bryson in Nether-Shiels
 Simon Lewis in Castleton
 James Pringle in Longfauch
 James Douglas vintner in Stow
 Thomas Wilson wright there
 James Stoddart in Shielle
 George Dickson in Little-Catpair
 James Turner in Stow
 David Ancrum there
 John Smeaboard in Torcraik
 Robert Wright in Gateside-hall
 John Brown in Ladyside
 Robert Ronald in Fala-hill
 Alexander Multerer in Mid-Calder
 John Brown smith there
 Thomas Ferrer herd and weaver in Moorleston
 John Young son to Thomas Young in Guill
 Thomas Williamson son to James Williamson in Over-Cranston

James Graham servitor to Thomas Paterson in Lumphoy
 John Wallace gardener to Mr John Watt of Rosehill
 Andrew Henryson weaver in Moorleston
 Robert Brown tailor in Calder-town
 James Mitchel in Ratho
 James Pettigrew servant to James Thomson in Bonnington
 David Somerwel prentice to Thomas Somerwel his brother
 John Moutray, } in Easter-Calder
 William Aikman, }
 Patrick and Alexander Stnarts in Ingliston
 Gavin Wallace there
 Samuel Black servant to Margaret Lawson there
 Andrew Mackornet in Bog-end
 John Murray of Lumph-ford
 Alexander Henryson merchant, sometime schoolmaster about the foot of the West-bow
 George Pringle lately in Cowaland, sometime in Woolstruther
 William Steel collier, sometime at Newhall in Penny-culk parish
 William Cranston in Stow
 Douglas about the Stow
 James Balleny younger at Hartburn-head
 Alexander Marshall brother to Thomas Marshall there
 Thomas Hardie near to West-Calder kirk
 James Young weaver at West-Calder
 Robert Anderson brother to William Anderson at Blackmire
 John Purdie in Chimmes, tenant to Douglas of Morten
 John Hamilton sometime in Phumferston
 James Lindsay in Selma
 James Tennant in Letham
 William Aikman wright in Calderclear
 George Bryson in Gouranout
 Patrick Stuart in Westerton of Ingliston
 Alexander Stuart there
 James Henryson son to Thomas Henryson there
 William Reid shoemaker, sometime in Fisher-row
 Nicolson servant to Robert Burnton shoemaker in Dalkeith
 Hamilton in the mains of Ingliston
 William Shaw cordiner in West-Calder
 Stoddart son to James Stoddart, who lived at Galla-water
 Mr Archibald Burnet son to Mr Robert Burnet advocate
 John Row chamberlain of Carrington
 George Young in Waterston
Linlithgowshire.
 James Gilbert servant to James Classen in Conston
 Alexander Forsyth tenant in Livingston
 John Ravilton shoemaker there
 Patrick Smith servant to Patrick Classen in Carmonden
 William Ferrer servitor to Alexander Bryce in Little-Dechmont
 William Mill in Auchin-hard
 John Dick son to William Dick in Brerich
 John Henryson in Whiteburn
 James Wedderlie there
 George Wardroper in Easter Whiteburn
 James Wardroper in Craigmalloch
 James Steel in Dunheigh

wife and servants, since the rebels, 1684. in a body, drank at his house. It is to be considered, that those three persons are exceedingly to be blamed, that they did not dog and follow those rebels, and give present information, and have palpably contravened the tenor of the said proclamation. You are to show, that the committee for public affairs are displeased with the slowness of the procedure of the commissioners of justiciary at Glasgow, against the rebels and other disorderly persons now prisoners at Glasgow, and advise them forthwith to proceed according to law and their instructions. Such against whom the probation is

clear, or who confess their being in the rebellion, and continue obstinate in their rebellious principles, are to be instantly sentenced and punished according to law; such as are penitent, and disown the rebellion, and all rebellious principles and practices, are to be forthwith banished to the plantations, in the terms of the former acts. As to the rest of the prisoners, against whom there is no clear probation of their being in the rebellion, and will not confess their being accessory thereunto, yet if they or any of them will not acknowledge the insurrection at Bothwell-bridge to be rebellion, and a sin against God Almighty, and

John Lillie threadmaker in Borrowstonness
 John Drysdale weaver there
 James Taylor weaver there
 Robert Short cordiner there
 Alexander Watson tailor there
 Thomas Phillip in Falkirk
 Mungo Wallace in Blackness
 John Gib in Craigton
 David Savage in Philipston
 Alexander Reid in Humble
 William Miller in Steels-land-head
 James Wood in Gallowsruik
 James Young in Dundas
 Duncan Fergusson in the Ferry
 John Dougal there
 James Steedmont in Duntarvie
 Adam Dauling in Carlowrie
 Alexander Anderson in Kirkliston
 William Angus servant to Alexander Reid in Humble
 William Thomson tailor in Queensferry
 Duncan Forbes there
 James Barker in Craigie
 James Gib in East-end of the Ferry
 John Thomson in Dundas
 David Raulton servant to Alexander Telfer smith in Riccarton
 James Stuart in Bathgate
 James Nimmo son to William Nimmo in Boghall
 James Angus in Kirkton
 John M'Culloch servant to serjeant Pottison in Linlithgow
 Thomas Borthwick servitor to John Grieve cordiner there
 David Jamie younger there
 James Johnston pretended captain to the rebels
 David Savage tailor in Ochiltree
 John Rae servant to Andrew Powrie apothecary in Linlithgow
 William Kennedy servant to Andrew Duncan treasurer there
 William Jack slater there
 George Lapeley miller in Linlithgow
 John Deuchan weaver there
 James Miller in Goremire
 Andrew Ealmon under Dechmont
 George Johnston son to John Johnston in Tail-end
 James Watchman seaman in Borrowstonness
 Alexander Reid in Strabrock parish, under Cardross
 George Ravilton tailor in Craigleton
 George Robertson in Duntarvie

Alexander Watson servitor to Patrick Young in Bridge-house
 John Vauch servant to John Salmond in Kirkingshaw
 John Brown in Barlornie
 William Auld servitor to John Fleming in Redburn
 Peter Russell son to Robert Russell in Bedlornie
 Robert Walker servitor to Robert Gray there
 Thomas Muir servitor to Duntarvie
 Archibald Cuthbertson cooper, haunting about Calder-muir
 John Jamieson skipper in Queensferry
 Alexander Bishop servant to John Thornton in Davids-town
 George Young weaver in Loan-head
 Patrick Hardie in Houston's land
 Patrick Allan son to James Allan goodman of Kincavel Smith in Riccarton Park
 Arthur Thomson servant to Robert Russell of Bank-head
 James Stuart in Bathgate
 Thomas Hall in Bancrief-land
 David Houston in Goremire
 John Henryson in Brow
 John Eadie son to Alexander Eadie in South-Logiebras
Fugitives for rebellion and treasonable crimes, since November, 1683.
 William Cuthbert weaver in Hamilton
 James Begg in Whiteholm
 William Howatson in Pinclo
 James Shiel in Meikle-hill
 William Douglas in Lauchop-mill
 James Crawford in Rigg
 John Browning elder in Riccarton in Ayrshire
 Hugh Atkin in Tarbolton
 James Aird younger in Muirkirk
 Thomas Steel in Martin in Berwickshire
 Thomas Forrester in Carden, in Stirlingshire
 John M'Adam in the parish of Cardross
 Hector Paton in Mauchlin in Ayrshire
 Matthew Paton in Mauchlin in Ayrshire
 John Cunningham in Powkelly, in the said shire
 Robert Glikerson in Carlake, in Lanarkshire
 Gavin Wood wright in Glasgow
 Walter Lockhart of Kirktown
 Joseph Henryson in Craigbog,
 John Young in Threpland,
 Andrew and William Young his sons,
 James Spreul apothecary in Paisley,
 John Hutchison portioner of Newbottle
 Sir John Cochrane of Ochiltree

} in Renfrew-shire

refuse to declare that it is unlawful for subjects, upon the account of the covenant, or any account whatsoever, to rise in arms against his majesty or his authority, and the present government in church or in state, and refuse to enact themselves never to rise in arms, and to live regularly, and keep their parish-churches hereafter, and refuse to take the oath of allegiance, that they be immediately banished to the plantations, as above. And generally, you are to advise the said commissioners, in any thing relating to their commission, that may contribute for his majesty's service."

Sir William Paterson returns, and makes his report to the council, June 19th. As to that part of his instructions with relation to the banishing people to the plantations, we have had the report above; and as to the matter of the Black-loch, "the lords find, by examinations taken by the said Sir William, that the most part of the heritors and inhabitants of the parishes of Shotts, Cambusnethan, and Monkland, have been extremely guilty, in not giving any information ament the said armed rebels, though they did march through those parishes, to the number of eighty or an hundred armed men; that the heritors have been remiss and supinely negligent in their duty, and neglected to give timeous information of the said rebels, and appoint them to be cited against Tuesday the first of July, and the sheriffs of Stirling, Linlithgow, and Lanark, to be cited to the same day, as also Stuart of Allanton, Stuart of Hartwood, William Cochran of Ochiltree younger, Walker of Hacketburn, on whose lands, and near whose houses the said rebels appeared in arms, to be cited to that day; and in regard Mr William Violant, indulged minister at Cambusnethan, albeit the said rebels passed his house in rank and file in arms, did not give information thereof to any magistrates and officers of the army, though some of them lay within three or four miles of him, the lords do ordain him to be cited."

The same day, the sheriffs of Mid-Lothian, Peebles, and Linlithgow, and the heritors of the parishes in whose bounds the rebels were seen, are cited to appear before the council, in the terms of the

proclamation, July, 1682. The particular sufferings of those gentlemen, 1684. ministers, and others, who were brought to trouble upon the account of this conventicle, will come in upon the next Section; and this is growing so much, that it will be proper to leave them to it. I only remark further upon this subject, July 16th, that the committee for public affairs write a letter to Sir William Murray of Stanhope, Sir Archibald Murray of Blackbarony, John Veitch of Dawick, signifying, that there was a conventicle kept, June 1st, at Carnhill, and another at Colstons-loup in Peeblesshire; and complain those gentlemen had not given advertisement of them, according to the proclamation of council, July, 1682, which at this diet the council order to be reprinted, and order them to make diligent search, and apprehend the hearers and preachers, and take the assistance of the garrison at Boghall. We shall afterwards hear of particular prosecutions for these conventicles.

July 14th, the council recommend it to Claverhouse, to inform himself of the heritors of the lands where some rebels had laid an ambuscade for the king's soldiers, and one of them was killed, and of the substantial tenants, and report. This is what I have observed this year, until the new commission sent down this month to the council, which I come now to take notice of.

Upon the 15th of July, a new commission comes down from the king to the council. None of the former members were left out, and some new ones put in, and new powers were granted; and at the same time the earl of Perth is declared chancellor in Aberdeen's room, and Linlithgow is justice-general. That day the king's letter was read to the council, which deserves a room here.

"Charles R. Right trusty, &c. whereas, for weighty reasons, we have thought fit to recall the late commission of our privy council, and being fully assured of the entire loyalty and affection of you who were in that commission, we have thought fit again to nominate you, together with some others, (of whose loyalty we have good reason to be assured) to be in the

1684. same capacity, not doubting, but as you have always continued zealously and faithfully to serve us, by administrating justice, maintaining our authority, asserting our prerogative, and refused to comply with any such, as inclined either to support or countenance fanatical, or disaffected and turbulent persons; so we doubt not, in consideration of this trust we repose in you, and of your duty to us, you will go on firmly and faithfully in our service, by doing justice to our people, by putting the laws vigorously in execution against the fanatics, those enemies not only of our person and government, but likewise of all religion and society, from whose principles we can expect nothing less than rebellion and conspiracies. We do therefore recommend to your particular care, to prevent their malice, by all legal and suitable means, prosecuting and disabling all such as you find obnoxious to our laws and government. And that you might meet with no impediment from us, we have removed from our councils and highest offices, all such as we thought forward in favouring, and slow in proceeding against them, or countenancers of disaffected and turbulent people, that you may see how inconsistent our favour is with those ways. In the next place, we require you to encourage our regular clergy, by maintaining them in their just rights and privileges, and securing their persons and goods from violence and outrage, especially our archbishops and bishops, seeing we look upon all discouragements they unjustly meet with, among the highest affronts to our authority. You are likewise to advert to the security of the peace of the country, preventing, by all suitable means, the disorders that may arise from Argyleshire, and other disaffected places; and in every thing, not only in your joint but separate capacities, doing whatever may most conduce to the advancement of our interest, maintaining our prerogative, and securing your own peace and prosperity. In confidence whereof we bid you heartily farewell. Given, &c. Windsor, June 13th, 1684."

Reflections upon this paper formed by the managers, are needless; they grow in their reproaches and spite at the suffering presbyterians, and make the king charge all

who go under the name of fanatics, with such principles as they were entirely free of. If the earl of Aberdeen and others now displaced, be pointed at as favourers of, or at least slow proceeders against the sufferers, it is very much for their honour. However that be, it is plain from this letter, that the main work of the council was to maintain the king's prerogative now sufficiently absolute, support the prelates its creatures, and to be their burriers * in persecuting the suffering presbyterians; and to these they engage themselves in their return to his majesty that same day, which I likewise insert.

"May it please your sacred Majesty, "We should be sorry that our affairs have of late been so troublesome to your majesty, if we found not, by your majesty's gracious letter, dated June 13th, that your majesty has thereby understood perfectly your own interest and ours: Nor can we doubt, but that hereafter, all who serve your sacred majesty, will be convinced there is no security in complying with turbulent and disaffected people, though that compliance was become of late very plausible, from the principles of fear or popularity: it being truly much easier, nobler, and safer, to disable your enemies than to flatter them. In return to this your majesty's most gracious letter, we again renew, with all our heart, the most sincere offer of our lives and fortunes, with our grateful acknowledgement of the great kindness done to us, in preferring such among us to the chief employments, as deserve to be our leaders in those dangerous times, and whose preferment being the effect of your majesty's perfect knowledge of their tried merit, give us just occasion to believe they will, by their deportment, justify your majesty's royal choice, and awake the diligence of such as are joined with them. We also, whom your majesty has honoured with the great trust of being privy counsellors, by this your last commission, find ourselves obliged to bestow all possible pains and diligence, in serving so gracious and so judicious a mon-

* Burlor, Burriour, S. an executioner. Belenden, Fr. Bourreau, id.—Dr Jameson's Dictionary.—Ed.

arch, in the way which, because your majesty prescribes it, we have, among other reasons, just cause to believe to be the best. And therefore, Sir, we shall do our utmost to administrate justice to your subjects, maintain your authority, assert your prerogative, protect the orthodox clergy, and suppress fanatics, and to deserve in every thing, as far as is possible for us, the happy name of

"Your Majesty's most faithful, most humble, and most obedient subjects and servants,

"Subscribed *ut in Sederunt*."

It hath been remarked, that the committee for public affairs have had a great part of the work of persecution committed to them by the council: Thus they continue to do, and therefore at this first sederunt, the council fail not to appoint this committee. The members and powers of it follow.

Act anent the committee for public affairs, July 15th.

"The lords of his majesty's privy council, considering that, from time to time, they have been in use to appoint a committee for public affairs, and whereas now by his majesty's late commission to his council, the committee formerly nominate is dissolved, and it being necessary for the administration of his majesty's affairs, that a new committee be appointed, do therefore hereby nominate and appoint the archbishops of St Andrews and Glasgow, the earls of Linlithgow, Balcarras, and Tweeddale, the lords Drumlanrich and Livingstone, the lords of Drumelzier and Claverhouse (officers of state and lord president of the session being always supernumerary) or any three of them, to be a committee of council for public affairs, with power to them or their quorum foresaid, to receive accounts, from the several magistrates of the kingdom, of their procedure and diligence in the execution of the laws against fanatical and disorderly persons, as also from the officers of the army anent such persons, and to call and examine prisoners, or such persons as they shall have reason to suspect guilty of editions or treasonable crimes, or of public disorders, and to imprison or dismiss them

as they shall find cause; and generally, to do all and sundry other things which may be expedient for his majesty's government and the peace of the kingdom; and appoint their first meeting to be to-morrow at three of the clock afternoon, and thereafter at such times as they shall think most convenient; and accounts of their procedure to be given in for their approbation."

Thus we have the beginnings of this new appointed council; they just go on where they left, and we shall find them prosecuting heritors and others, for not raising the hue and the cry. I only notice some of their more general acts, July 17th. "The council being informed that the rebels have been seen passing through some parts of the shire of Ayr, and that the heritors and inhabitants have not given advertisement, grant commission to the sheriff-depute, and captain John Inglis, or any of them, to call before them and examine upon oath, all such persons as can give best information of the heritors through whose lands the said rebels were seen to pass, and send in an account to the council." I need scarce notice that these rebels so much sputter is made about, were Mr Renwick's followers, who were obliged at the conventicles, and I may say almost at all times, for their own defence, to carry arms; and such of them, whose way homeward from conventicles lay together, are the rebels now marching up and down the country.

But not satisfied with those orders, July 22d, a proclamation is emitted for discovering rebels and their resettlers in the west, which I have added below.* The penners

* *Proclamation against Rebels, July 22d, 1684.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, his brethren, heralds, macers of our privy council, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, by the nature of the monarchy devolved upon us by God Almighty alone, and by the inherent privilege and prerogative of the imperial crown of this our ancient kingdom, we are sufficiently empowered to take such courses and methods, as, according to the circumstances of the times wherein we are stated, may best secure our royal government, and our innocent and peaceable subjects: as also by the laws and acts of parliament of this our kingdom, all sheriffs, stewarts, lords, and bailies

of this paper make the king assert, 1684. "That the monarchy is devolved upon him by God alone;" which, in the plain and ordinary sense of the words, is not true, and would have been very far from his style in the year 1649 or 1660, when the monarchy was made over to him by the presbyterians, and those very people in England and Scotland whom he hath been violently persecuting for upwards of twenty years. The proclamation adds, 'by the nature of the monarchy' devolved thus on him, and by his 'inherent prerogative' he was empowered to take such courses for securing the government as were best, that is, such methods as he pleased, without any proclamation, or acts of parliament, as the tenor of this sentence necessarily gives us to understand it; which is a plain avowing the nature of this government was tyrannical, and that tyranny was from God. Whether this cause is designed to be a cover for the murders committed in the fields by the soldiers in cold blood, I cannot say: but we shall find

of regalities and bailiaries, and their deputies, are obliged, when any rebellious and disorderly people appear openly in any of their jurisdictions, to convocate our lieges, and to raise the hue and cry against them, and never leave the following and pursuing of them, till they be chased out of the said jurisdictions, and to take and apprehend them, and bring them in, and present them to justice; and that the heritors, commons, and generally all our lieges, are bound to concur with them. In which, if they fail, as in that which is their duty, we must take such other courses as may most effectually secure our royal government, and good subjects. Yet it is undeniable, that, for many years, great numbers of armed rebels have most insolently and rebelliously gathered themselves together, and have not only marched up and down our western shires of Clydesdale, and other shires besouth the river of Forth, but have assaulted and murdered several belonging to our forces, burned our laws, and excommunicated our sacred person; and of late, in the month of June last, about two hundred armed rebels have presumed, to the great contempt of our authority, to march openly through several of the said shires for many days together, threatening the orthodox clergy, and murdering our soldiers, and have, at last (when they found it convenient) disappeared, being certainly and undeniably harboured and reset by the inhabitants of those shires, without sufficient diligence done by the sheriffs, and inhabitants of the said shires, either for dissipating them, or for discovering their resetters, and bringing them to justice; by which preparative, if allowed, all rebels may safely rise in arms, and yet be secure. We therefore, with advice of our privy council, do hereby command and charge our sheriffs, stewards, and others in the several shires foresaid, as they will be answerable upon their

in the last section a very barbarous one committed in Ayrshire, this same month of July. Next, the subjects are told, that if this terrible hue and cry be neglected, other and effectual methods will be taken. What those were are not expressed, and the reader is left to guess whether a larger standing army, a highland host, or rather the sanguinary and inhuman orders to kill in cold blood, all who did not answer the soldiers' interrogatories, given towards the end of this year, be meant, and were in view. It follows, that two hundred armed rebels marched up and down. Informers could soon make two hundred of fifty, but when their own registers make them but eighty, and that just at the dismissing the conventicle, we may see what weight is to be laid upon the numbers in their public papers. It is wisely inferred, they behoved to have been harboured and reset in the shires they marched through; undoubtedly they could not live without meat and drink, and yet one would think two hundred men

duty, and highest peril, with whom we command the heritors and commons to concur, to apprehend, and bring in to justice the persons of the said rebels, who appeared openly in the said shires, and to discover to us, and our privy council, betwixt and the fifteenth day of August next, all such as did reset and intercommune with them; with certification, that, if they fail, we will, for preserving the public peace, and our good subjects, take such other effectual courses, as, in our royal prudence, we shall find most fit for preventing rebellions, and securing the public peace in the shires above-mentioned. And to the effect our pleasure in the premises may be known to all our lieges, our will is heretofore, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and whole remanent market-crosses of the head burghs of the shires of this kingdom, on this side of the water of Forth; and there, in our name and authority, by open proclamation, make publication of our pleasure in the premises, that all persons concerned may have notice thereof, and give punctual obedience thereto. And we ordain the sheriffs of the said shires to cause forthwith publish this our proclamation, at the several market-crosses within their respective shires and parish kirks, and the ministers of the respective parishes to read the same from their pulpits upon a Sabbath-day, after divine service.

Given under our signet, at Edinburgh, the twenty-second day of July, one thousand six hundred eighty and four, and of our reign the thirty-sixth year.

Per actum Dominorum secreti Concilii.

WILL. PATERSON, Cl. secr. Concilii

God save the King.

in arms would take subsistence upon paying for it, if it were refused them. But all this is a fetch to bring in the sheriffs, &c., their orders to apprehend them, and inform the council who reset them, against the 15th of August, otherwise other and effectual methods would be fallen upon; and we shall find, that within ten days, without waiting so long, the army is sent west. This proclamation is to be read from all pulpits after divine service, which, I believe, the orthodox clergy would not forget. And it opens a new door for a general harassing of the country. That same day another proclamation is emitted, ordering all the forces and militia to be in a readiness to suppress the rebels. It is much in the same strain with the former, and so needs not be insert.

July 23d, the council form an act, and record it, relative to the thumbkins, for the terror, as we shall hear, of Mr Spence and others under process about the plot last year: and being but short, I insert it here. "Whereas the boots were the ordinary way to expiscate matters relating to the government, and that there is now a *new invention and engine*,* called the 'thumbkins,' which will be very effectual to the purpose and intent foresaid, the lords of his majesty's privy council do therefore ordain, that when any person shall by their order be put to the torture, that the said boots and thumbkins both be applied to them, as it shall be found fit and convenient."

Accordingly, as was threatened in the proclamation just now named, the council fall upon other methods with a witness, for oppressing the country, besides the examinations of the sheriffs, and send the army to the west country, and empower the officers to examine the country. The act will give the best view of this, and follows.

Act anent the army, August 1st, 1684.

"The lords of his majesty's privy council considering, that several desperate rebels do daily break out in arms in multitudes, at their seditious field-conventicles, and lay ambuscades for his majesty's forces, and

kill some of them, and rescue prisoners in their custody, to the high 1684. contempt of the laws, and affront of his majesty's government, to prevent and suppress all such rebellious courses for the future, and to reduce the country to their due obedience, and not to suffer any skulking vagrant rogues to go up and down the country, to the disturbance of the peace thereof, and disquiet of the kingdom, have thought fit to dispose of his majesty's forces, so as they may be most fit for service; and therefore recommend to general Dalziel to continue the foot where they are, and further, that he dispose the other forces as follows. One squadron of his majesty's guard in and about Edinburgh; the second squade to go to Fife, and quarter as the earl of Balcarras shall order; that Sir James Turner and his company of dragoons, attend near Glasgow; that Meldrum and his troop of horse, and the lord Charles Murray's troop of dragoons, go to Teviotdale; that the general's troop of dragoons and captain Strachan's lie at garrisons in Galloway and Nithsdale, the lord Drumlanrick's at Dumfries; that two squadrons of the guards, Claverhouse his troop, the lord Ross' troop, captain Inglis and captain Cleland's troop of dragoons be for Ayrshire, or any where else the commanding officer shall think best for the good of the government; that Claverhouse and lieutenant-colonel Buchan, commanders of the five troops in Ayrshire, continue, with power to them, or any of them, in the other's absence, to command and give necessary orders to them, and the hail forces, foot and horse, and dragoons, in the shires of Ayr and Clydesdale. And to the effect discovery may be made of the rebels in arms, and such as have been present at field-conventicles, and upon whose lands these conventicles have been kept, or were seen, and did appear, may be known, the said lords empower and commission colonel Graham of Claverhouse, and lieutenant-colonel Buchan, or any one of them, or, in their absence, such as they shall think fit to appoint, (for whom they are to be answerable) to call for and examine upon oath, all such persons as can give any information in the premises; and for that

* The council are mistaken in calling the thumbkins a 'new invention;' they are the same as the thumbcrews which were found on board the Spanish armada; specimens of which are shown in the Tower of London.—*Ed.*

684. effect to use all legal diligence, and ordain them to report an account of their procedure as soon as possible."

I need make no observes upon this act. I suppose the ambuscade spoken of here and elsewhere, was the attempt made at Enterkin-path, upon a party of the soldiers carrying in some prisoners to Edinburgh. The shire of Ayr still continues to be the butt of the army's fury, and more forces are cantoned there, than almost through all the rest of the country. And the commanding officers of the army, yea, whomsoever they shall please to substitute, are put in the room of the ordinary magistrates, and have power to examine the country upon oath.

That same day, August 1st, the council form a very ill-natured act, as to the poor people in prison, full of severe threatenings. "The lords of his majesty's privy council having resolved, that all persons now in prison for crimes against the government, in the tolbooths of Edinburgh and Canongate, for being in the late rebellion, or reset of rebels, be speedily brought to justice, do ordain his majesty's solicitors to visit the tolbooths of Edinburgh and Canongate, and report what prisoners are there on these accounts; that it may be recommended to the justices, to proceed and pronounce sentence of death against them immediately, which sentence they are to cause execute within six hours after pronouncing of it; and command the commissioners of justiciary at Glasgow and Dumfries to proceed immediately against the prisoners in the tolbooths there, in the like circumstances, and pronounce sentence of death against them, and put the sentence in execution within three hours after the pronouncing of it." Such barbarous acts to hurry good people into eternity in six hours' time, make my hair stand when writing them, and I think are no where to be met with but from a Scots council; and yet the orders given the end of this year, for killing in the fields in a few moments, go beyond them. Perhaps it is upon the report of those sent to the prisons in Edinburgh and Canongate, that August 5th the council find good numbers of the prisoners seized, as being in the rebellion, only be-

cause of the same name with some who had been there; and others because they were with the rebels, seeking for their goods and horses some days before Bothwell. Those, upon their petitions, are released, and it would swell this work too much, to insert all such as by the records I find were wrongously imprisoned.

August 19th, the lords of his majesty's privy council considering, "That several of the persons called and examined before themselves, will not own the king's authority, but according to the covenant, and their own treasonable limitations, do hereby give order and warrant to his majesty's advocate, to process and indict such of these persons as are already brought in, or shall be brought in for the said crime, before the justices, that they may be proceeded against according to law." Thus the owning of the king's authority according to the covenants, was made treason, which was what the parliament would not venture on, and only discharged the owning of the obligation of them. By this processes were intended against multitudes of country people, who would own the king no other way but in a consistency with the word of God and covenants. Thus a blot and stain is put on what was, and will still be the glory of these lands, that they were devoted to the Lord, and religion and reformation, and our valuable civil liberties solemnly engaged into. When a papist was near to mount the throne, it was high time to put the greatest contempt upon those great bulwarks against popery.

Another report is made at the same diet of council, as to the state of the prisoners, in the Canongate and Edinburgh tolbooths, by a committee formerly appointed for this end. It seems, either the solicitor's report did not satisfy, or new prisoners were come in since, and indeed they were sent in in crowds every week; and the council approve the report, "that about twenty of the prisoners (mean country people, from Glasgow and Ayrshire) be set at liberty upon their enacting themselves to keep their parish-kirk under five hundred merks penalty, and to live regularly; that Robert Thom in Carmunnock, William Campbell at Muirkirk, Gabriel Thomson in Carmun-

nock, John Ure maltman in Glasgow, John McLevy shoemaker in Kilmarnock, James Nicol in Peebles, William Young tailor in Evandale, be processed and indicted before the justices, that they may be proceeded against according to law." We shall meet with a good many of them afterwards, when I come to give the proceedings of the justiciary this year. "And ordain John Campbell tenant in Muirkirk, John Campbell son to William Campbell of Over-Wolwood, (a worthy gentleman yet alive, whom we shall meet with upon the next section) to be processed before the council, in order to their banishment, for refusing the oath of allegiance; and that James Nicol be proceeded against for his disowning the king." The prosecution of some of those and some others at this time, was happily prevented by the breaking of the Canongate prison, and escape of a good many, of which I shall afterwards give some account. Here I only notice, August 22d, "the magistrates of Edinburgh being called to the bar of the council, for the escape of the prisoners out of the Canongate tolbooth last night, it is recommended to the said magistrates, that when any persons are indicted by the justices, or under the sentence of death for treasonable crimes, they cause them immediately to be put into the irons, and secure them; and they are assured that the council hereafter will not question the keepers of the tolbooth, but them, for the escape of prisoners, they being answerable for the keepers."

In September new justiciary courts are appointed, with a particular eye to the gentlemen who were to be fined to the value of their estates; but I leave them to a section by itself.

September 10th, the lords of council, understanding there are several public papers and writs in the hands of the earl of Aberdeen late lord chancellor, do appoint the earl of Kintore to call for the said earl of Aberdeen, and examine him upon oath on what papers he had not hitherto delivered up, particularly anent some papers given in by the earl of Balcarras, taken from a man in Fife, relative to the plot and conspiracy, before the same was discovered,

and to receive them and transmit them to the clerks. 1684.

A very remarkable act follows. September 16th, "the lords of his majesty's privy council empower the committee for public affairs, to call and convene before them, at the instance of his majesty's advocate, such of the prisoners as are guilty of such disorders and conventicles, and refuse to take the oath of allegiance, and to pronounce sentence of banishment against them. And if any of these prisoners shall refuse to own the king as their lawful sovereign, or will not call the rising at Bothwell-bridge, a rebellion, or the archbishop's murder, a murder, or do own the covenant, or that it is lawful in defence thereof to rise against the king, or seem to hesitate, the council authorizes the said committee to remit them to the justices, to be tried criminally." This act I take to have been the pattern of the soldiers' catechism after this, and their queries they proposed to people they met with in searches, or in the open fields, many of whom they murdered in cold blood. No doubt they varied, and sometimes intermixed other things with these, but most part of their interrogatories run upon these points, and so good a pattern as that of the privy council, ordering a criminal process to be pursued for the pannel's life, in case of not answering satisfyingly those queries, or any of them, yea, their hesitating upon any of them, would be followed by the soldiers, when they had a council and justiciary power lodged in them, as we shall hear they had in the close of this year. For many years we have seen these were the chief of the queries put to sufferers in their examinations, and multitudes, we have seen, were executed upon their refusing to give satisfaction in those points; and now they are by this act turned to a foundation, whereupon the justiciary are to condemn poor people. I do not enter upon the illegality and unreasonableness of taking poor country people's lives upon such heads as many of these are, only in fact, though the king's authority were owned, yet if the bishop's death was not peremptorily declared murder, if the cove-

1684. nants were not disowned, and self-defence, as the question was ordinarily proposed, was not disowned, or defensive arms, or the defence of the covenants, and Pentland and Bothwell were not expressly condemned, then there was no mercy for the person. Thus hundreds of religious and conscientious people were hurried into eternity, without libel, witnesses, or process, merely because they hesitated, or would not declare their sentiments upon those points.

During the months of September and October there is little in the council registers, save what relates to the justiciary courts, which will come in best upon the narrative of those. October 31st, captain Graham is required immediately to seize some persons living in and about Edinburgh, given him in a private list. Whether this was some pretended conspiracy, or what was the occasion, I know not; but no body was secure from trouble, when those private lists formed from the stories informers trumped up, were made rules of by the managers.

The months of November and December open a new and blacker scene of persecution than yet we have met with. Without any provocation given, we find the managers were ready enough to go great lengths against the suffering wanderers up and down the country; but at this time it must be owned they had a greater handle given them than ever, and I shall endeavour to give plain matter of fact from the public records, and other papers come to my hand, in a section by itself, wherein I shall give the declaration of war, as it was ordinarily termed, by the society people, upon provocations in their own nature tempting to such extremities, the persecution of some for putting it on church-doors, the Swine-abbay murder, with the rigorous proceedings on the back of it, the orders for killing in the fields, and the many commissions granted on this declaration in December.

November 24th, "the council being informed, that this day three coffins were carried down the street for the persons who were this day ordered to be executed for treasonable practices, and owning the late treasonable declaration, the council recommend it to Sir William Paterson, to

inquire into the maker and painter of them." So very low did their zeal against the sufferers creep. November 28th, the lords of council order a strict search to be made in the town of Edinburgh, and suburbs thereof, and Leith to-morrow, according to the following instructions. "The bailies of the suburbs to attend at four in the morning at Holyrood-house, to know the council's pleasure. The constables of the town at the same time to attend my lord provost, that he may send the key to the Netherbow, and the keys are to lie in the provost's hands this night. At the opening of the ports the town-council are to attend the magistrates, who are to appoint sixteen of their number to attend the officers who make the search. The ports being opened, a bank is to be beat through the town with all the drummers can be had, and in all the lanes of the city, discharging all persons to quit their houses upon their peril. The council in the meantime are to attend near the cross, to give orders. That captain Graham with his company, post themselves at Haddocks-hole to guard the prisoners. The counsellors who attend the searchers, to have power to break open the doors of such houses as are pretended to be waste, if their landlords presently bring not the keys."

I shall shut up my accounts of this year in this section, by noticing the close correspondence betwixt our managers at Edinburgh, and bloody Jeffreys in England. Birds of a feather flock together. Only Jeffreys was tied down by the English laws, far less sanguinary than ours at this time. However, he went as far as he could to stretch the laws, and some farther, and offers his service to our people at Edinburgh. Accordingly, December 3d, 'the advocate representing how ready judge Jeffreys was to join with the council for support of the government, it is recommended to him to signify to the judge, the great resentments (sense) the council had of his kindness towards this kingdom, in giving his concurrence against such pernicious rogues and villains who disturb the public peace; and desiring he may cause apprehend the persons of hiding and fugitive Scotsmen, and deliver them securely

on the Scots border, to such as shall be appointed to receive them." It is now high time to come to more particular prosecutions.

SECT. II.

Of the sufferings of particular persons, noblemen, gentlemen, ministers, and others, not to death, this year, 1684.

LAST year we heard of the begun prosecution of the indulged ministers, and it is carried on in the beginning of this, against the most of them now remaining, and toward the end of it they are all turned out. It may not be improper to give here as much of the council's procedure against them as I can gather.

By the justiciary records, I find January 7th Mr Anthony Shaw minister at Newmills, a person of great piety and learning, appears, and his indictment is read, charging him with "holding a field-conventicle to two thousand persons and upwards, in the church-yard of Colmonel, and with preaching, praying, and baptizing there, contrary to act 5. sess. 2. parl. 2. Char. II." The lords continue this process till the council's mind be known about it. The case seems to have been this, Mr Shaw at a communion, where the church of the indulged minister would not hold the people who came, as was very ordinary then and yet, preached at a tent in the church-yard. This was indeed a breach of his confinement, but all of them were guilty this way; but according to the letter of the law, it is made a field-conventicle, which was death to the preacher. And though he gave in a very moving petition, and was singularly moderate, yet such a man as he, after all his yielding, behoved to be processed for his life. January 8th, the justices, with consent of the advocate, as pursuer, desert the diet against him, and ordain him to find caution to appear before the council, January 10th. January 10th Mr Anthony Shaw being called, compeared, and the lords, upon his demission, declare the indulgence granted him to preach, to be void and at an end, and declare the kirk vacant; and ordain him to find caution, not to preach, or exercise the function of the

ministry within this kingdom hereafter, under the pain of five thousand 1684. merks, or otherwise remove off the kingdom within the space of a month after the date hereof, and not return without license, under the pain foresaid. When the sentence was intimated, Mr Shaw refused to find caution to desist from preaching hereafter; this was another great hardship put upon presbyterian ministers at this time that with their own hand they must unminister themselves; upon which the council order him to prison, till he find caution to remove forth of the kingdom, and not return, as aforesaid. In prison he continues till January 22d, where I find "the lords of council liberate Mr Anthony Shaw, being old and infirm, caution being found, that he shall keep no conventicle in house or field, or baptize and marry, but demean himself peaceably, and frequent ordinances where he lives, under the penalty of five thousand merks." To this trouble was this good man brought, and the attack was almost general upon all the indulged.

Mr John Campbell, indulged minister at Sorn, and Mr James Veitch at Mauchlin, appear before the council, January 3d, and are charged with the breach of their confinement, and the probation remitted to their oath. They confessed they had broke their confinement, and prayed and exercised in private families, that they did not read the proclamation for the thanksgiving. The council declare their license void, and order them either to find caution to go forth of the kingdom against March 1st next, or not to preach or exercise their ministry, under five thousand merks, and to keep ordinances, and appoint them to go to prison if they find not caution. Mr James Veitch at this time went to Holland, where he continued under some trouble from Robert Hamilton and his party, but increasing in learning and grace till the toleration, he returned to his charge at Mauchlin.

Amidst those severities against the indulged ministers, the council show some kindness to the relict of one of them, and January 22d gave to Mrs Wedderburn, whose husband died 1678, and hath a numerous family, the stipend of Dunlop parish.

Whether Mr Gabriel Cuninghame was
1684. preaching there or not, I know not; it was well the stipend went to no worse use.

January 30th, Mr William Eccles indulged at Paisley, compears, and confesseth breach of confinement, and that he did not preach May 29th every year. The council declare his license void, and ordain him to find caution either not to preach, or remove off the kingdom.

That same day Mr Robert Eliot indulged at Linton, is dealt with in the same way; and Mr Thomas Black at New-Tyle, being cited and not compearing, is denounced.

March 6th, Mr John Baird at Paisley, of whom before, had been cited against that day. A testimonial of his sickness is produced, and he is continued until April. Whether this sickness carried him to heaven at this time, I know not, but I find no more about him in the registers. He was a minister of great learning and piety, and singular skill in medicine.

April 8th, Mr William Erskine presents a petition to the council, showing, "that he had been now seven years close prisoner in Blackness castle, and other places, and that merely for preaching the gospel as he had received power from Christ, and that he was now turned valetudinary, therefore craving the council's compassion." All they do is to allow him to walk about the castle, and take the air with a keeper. And upon what reasons I know not, Mr John Hutchison is allowed to return from Ireland, whither the council had banished him in the year 1682, for his breach of his confinement. This liberty is granted April 1st. The last of this month, Mr John Sinclair, who had been minister at Ormiston, was represented as having preached sedition abroad; and we shall find him this year processed criminally.

May 5th, Mr William Wisheart student in divinity, since the revolution minister at Leith and Edinburgh, and when I write this, the reverend principal of the college there, presents a petition to the council, bearing, "that having left his studies at Utrecht, to come home and visit his aged and dying parents, upon some mistake he was put in prison, as being one of those who deny his majesty's authority, whereas

he disowns these principles, and nothing is laid to his charge, craving that he may be liberate." The council order his liberation as soon as the advocate is satisfied as to his principles, upon caution to compear when called. The advocate for some time neglected to report, and so he continued a considerable time in the iron-house, in no small trouble. About the same time the advocate is ordered to insist in a process before the justices, against Mr John Rae, for preaching at field conventicles some four or five years ago. September 15th, I find him sent to the Bass. He was a zealous successful gospel minister. We shall just now meet with Mr William Violant, upon another head attacked and laid aside. And August 17th, the advocate is ordered to raise a criminal process against Mr Alexander Ross, a worthy minister in the north, for conventicles; they could only be conventicles kept in houses with people at the doors, for there were no real field-conventicles in that country.

September 16th, Mr John Knox, indulged at West-Calder, appears before the council, and is imprisoned, where he continued till the king's death. Having some attested accounts of this worthy minister, and the ingratitude exercised towards him, I cannot but take notice of them. Mr Knox was son to Mr John Knox minister at Bowden in Teviotdale. The person I am now accounting for, was ordained minister at North-Leith. When a probationer, he was in the army and chaplain to Sir John Brown's regiment of horse, and was engaged among the royalists in the battle at Inverkeithing. He was chaplain in the castle of Timtallan, when the English besieged it; and after he had safely conveyed my lord Angus and some ladies, to their boat for North-Berwick, he was deserted by the lieutenant and most part of the soldiers; yet he capitulated with the English and got very good conditions. He had an elder brother Mr Henry Knox, a youth of very bright parts, who waited upon the king in the time of his exile, and was more than once employed by the king, and sent over to Scotland, to negotiate his affairs. Mr John was one person to whom the king's letters to his friends in Scotland were

directed; and I have seen a letter writ by the king himself to him, yet in his son's hand, a copy whereof the curious reader will desire to see, and it follows.

" St Germans, August 31st, 1652.

" I am promised this letter shall come safe to your hands, and therefore I am willing, that you should know from myself, that I am still alive, and the same man I was when I was amongst you. I am very much troubled for what you suffer, and am using all the endeavours I can to free you, and before many months I hope you will see I am not idle: in the meantime, I cannot but let you know, that I am in greater straits and necessities than you can easily apprehend, and thereby compelled to leave many things undone which would be of advantage to me and you. I could heartily wish therefore, that by your interest and negotiation with these you dare trust, and who you know wish me well, some way might be thought of to assist me with money, which would be a very seasonable obligation, and could never be forgotten by me. I need say no more to you, but that I shall be glad to receive any advice or advertisement from you that you think necessary for me, and shall always remain,

" Your very loving friend,
" CHARLES R."

Notwithstanding of all these services done for the king in his straits, Mr Knox was turned out of his church in North Leith, at the restoration, because in conscience he could not subject to prelacy. Indeed he got the benefit of being connived at in West Calder for some years, till now he was summoned in before the council, and was charged with breaking his confinement, which every body knew none of the indulged kept, with not keeping the 29th of May, and baptizing children of other parishes; and though he gave satisfying answers to all, and took the liberty to signify the peculiar services he had occasion to be employed in for the king, and the letters he had under his hand, which he offered to produce; yet no favour could be done him, unless he would give bond never to preach or exercise any part of the ministerial function in Scotland. To which he an-

swered. ' He looked on himself as a minister of Christ, and would never 1684.
tie up himself from preaching his gospel.' Whereupon he was immediately ordered to prison, and lay there from September to February next, when the king died.

The design was now formed to turn out all the indulged ministers, and either to make presbyterian ministers promise not to preach, or engage to go off the kingdom. Accordingly we shall afterward find it an instruction to the circuits in October, to examine all the indulged ministers, and lay them aside who had broken their instructions; and such as would not find caution not to preach, or remove off the kingdom, were to be sent in prisoners to Edinburgh. The managers now resolved to rid the prelates of all presbyterian ministers by wholesale, and at this time they came to no small hardships. They had carried most peaceably and loyally, to that degree, that the society people censured and reproached them, and no reason could be given for such hardships upon so many pious and godly men, but the malice of the prelates, to whom they had been eye-sores, and the prevalency of popish designs which were ripening very fast under the duke of York's influence.

Accordingly, October 13th, I find Mr Anthony Murray in prison, because he will not engage to quit his ministry; and the council allow him liberty to visit his dying brother the laird of Glendoick, upon bond to re-enter prison against the 20th of November, under the penalty of five thousand merks. And, October 30th Mr James Currie is liberate from prison, upon condition he preach none, otherwise to forfeit his bond of five thousand merks.

By an original letter of the reverend Mr John Carstairs, to the secretary of state, dated November 3d, it appears, that he looked upon it as a thing projected, that all presbyterian ministers should be silenced or banished. I shall insert part of his letter relative to this, which likewise gives the present circumstances of this worthy and eminent minister of Christ.

" Right honourable, and my very noble lord,
" I presume, necessity constraining me, upon the acquaintance I have the honour of with

1684. your lordship, humbly to kiss your hands with this line, and to beseech your lordship, that seeing, as it would seem, it is resolved, that all presbyterian nonconform ministers shall be either perpetually imprisoned, or exiled his majesty's dominions, to grant me your lordship's pass to go out of my native country, (where I thought I would have been permitted to die, being an aged man, entering, if I live so long, the sixth of January next, into my great climacteric, and being so very infirm, that I have not but twice, and that not without some difficulty, walked between the Cross and Trone, these two and thirty months, nor so much as crossed the narrowest street or lane in Edinburgh these twelve months bygone) unclogged with any gravaminous condition, as of not exercising my ministry, (to which, whatever may be my practice, which I hope shall be without offence, I dare not engage, come of me what will) or of not returning, since that is on the matter a sentence of banishment, and construable withal, as the grant of my own desire. I can ingenuously declare to your lordship, I have no thought, let be fixed resolution, of returning, having some design to remove to such a distance, that it is more probable I shall die by the way than go the length, let be return; and if ever I shall have thoughts of returning, which is not probable, I shall not do it without acquainting your lordship first. If your lordship think fit to grant me a pass (which my lord secretary no doubt may, of and by himself, do to any subject under no sentence, censure, suspicion or citation,) to be gone in the spring, if I be in capacity, (having been, in the beginning of this year four whole months unable to take so much as one turn in my chamber, and a considerable part of that time in bed, under great agony,) with some protection for my poor disconsolate family, to whom, at least the very short while I am to be with them, your lordship will allow me to be a minister, it will be a singular obligation." The rest of the letter goes on with a particular deduction of Mr Carstairs his very considerable appearances for the king, when in a low condition, and his untainted loyalty to him, in the instances already noticed, after the restoration. He further appeals to

his declaration before the council, four years ago, which hath likewise been considered, and concludes with a confident hope, that his lordship's generosity at least will secure him from being in worse case by this address to him. What the reception or consequent of this address to the secretary was, I know not, but I think, this singular and eminent servant of Christ died not long after this, and got beyond their reach; yet still the ingratitude and severity of this period toward this worthy minister and others, was not the less, and many were brought to hard circumstances.

By the registers I find, November 27th, that the council order "all the indulged ministers to be outed, because they kept not their instructions, and some of them did not keep the thanksgiving in September last year." And by the instructions given to the commissioners in different shires, December 2d, "the indulged ministers are to be obliged to give bond not to exercise any part of their ministry in Scotland," of which in its own room. And December 11th, Mr Ralph Rogers, Mr William Tullidaff, and Mr Robert Boyd, refusing to give bond not to exercise their ministry while they remain in the kingdom, are ordered to prison. January 8th, 1685, Mr Robert Boyd is liberate from prison, and confined to a house in Edinburgh. December 22d, Mr John Macmichan, Mr Cant, Mr Archibald Macgachan, are indicted before the justiciary, for reset of rebels; they appear and offer to abide trial. The diet is deserted *simpliciter*, and the last enacts himself, under five thousand merks, to appear when called. And January 17th, Mr Macmichan and Mr Cant are brought before the council, and their bond taken to live peaceably, and that they shall not preach. That same day, Mr Robert Bell, indulged at Dalry, his license is made void. And January 22d, Mr John Oliphant, who had been formerly confined to his chamber, his confinement is renewed for a month. And February 3d, Mr Robert Duncanson, and Mr Duncan Campbell, indulged ministers in Argyle, are sent to prison, upon their refusal to engage not to exercise any part of their ministerial work. Some more hints about them will come in next year.

many parts of the kingdom. And the very same cause, and revolution-interest being at stake, he is just now treading the same steps, and distinguishing himself by a most active and vigorous appearance for our only rightful sovereign king George. When I am writing this (1715) during the present unnatural and unaccountable rebellion, I will take liberty here to give all his sufferings together, though some of them were in the after years. Toward the beginning of August, this young gentleman, scarce yet eighteen years of age, and his elder brother, William Campbell, about twenty, were living peaceably in their father's house, an excellent gentleman, who after all his tossings and troubles got safe to heaven in a good old age, and a full gale of joy, March 5th last, 1715. They had never been engaged in the least disturbance to the government, and when both together in the fields upon the Welwood hill, they were seized by a party of my lord Ross his troop, and carried into the house of the Welwood nearby, whither a good many of the said troop were come to search for their father. He was happily out of the way at this time. When the two youths were brought in, the commander of the party, Bonshaw, cursed the soldiers because they had not shot them in the place they had found them, though there was nothing offensive about them, except it were two bibles found upon them, which, it seems, put him in a passion, and was looked upon by the soldiers as a certain mark of disloyalty. There they were kept prisoners till their father's house was rifled, and three good riding horses seized and taken away. And though nothing was, or could be laid to their charge, and the ordinary catechism was not so much as put to them, yet they were carried away prisoners that night to Newmills, and lodged in the guard. Next day they were carried to the Dean, a house belonging to the earl of Kilmarnock, where a garrison was. It was like a begun hell to these religious young gentlemen, to be among the impious and profligate soldiers, their ears were grated, and souls vexed at the horrid profanation of God's holy name. Here they were kept till sabbath next, the ordinary travelling day to the

soldiers, when they were carried into Glasgow prison, and thrust into a little room, and put into the irons from eight at night, till eight next morning with two centinels upon them. Upon Monday they were examined by the lord Ross, and lieutenant-colonel Buchan, who were civil enough to them, and afterward by lieutenant-colonel Windram, upon the ordinary catechetic questions. Captain Campbell remembers that the last asked him, if he would pray for the king. He answered, that he both did, and would, that the Lord would give him a godly life here, and a life of glory hereafter. Windram said, "That is not enough, you must pray for King Charles II. as he is supreme over all persons and causes, ecclesiastic as well as civil." The other said, in his opinion, that was praying for him as the head of the church, which belonged only to Christ, and he reckoned it arrogance in any creature whatsoever to claim it.* They were kept in the irons eight days, with two centinels watching them day and night with drawn swords, as if there had been somewhat very extraordinary in their case. And when at some times they would lift their heads to ease themselves a little, being sore crushed with the heavy irons, the centinels threatened to stab them. Thus they bore the yoke in their youth, and I am persuaded it was good for them. After this treatment, they were committed to lieutenant Murray, brother to the laird of Stanhope, to be carried into Edinburgh. He was very severe and savage to them, and caused tie their legs together very strait with cords beneath the horse belly, and carried them into Edinburgh that day, in this uneasy posture, where they were put in the long-loft, as it was called, in the Canongate tolbooth.

Several times they were brought before committees of council, and examined upon the ordinary interrogatories of the time. The captain remembers, among the other

* This throws much light on the intention of the judges in putting the question, and also on the reasons why the covenanters refused to pray for the king. It is plain that there is only one sense in which their praying for the king would satisfy; and that was a sense which involved in it a complete dereliction of their principles.—*Ed.*

1684. questions he was posed with, after he had told his age, a day or two beyond eighteen, he was asked, if he was at Bothwell. He answered, "No; for he went but to the grammar school the Martinmas thereafter." The clerk wrote down, "As to Bothwell, the prisoner answers, I was but young then, but had I been old enough, I would have been there." This was horrid injustice; and from it we may guess at the ordinary methods used with country people. Meanwhile, it may be, this was the inward sentiments of the prisoner, but he could not let it pass. When read to him in order to his signing, he roundly told them, the clerk was unjust, and wrote down a lie, and what he had not said, and appealed to the lords present. The matter was shuffled off, and he sent back to the Canongate prison. His brother had dissatisfied the committee very much in his answers, and he was separated from the rest of the prisoners, and sent to a little, vile, nasty hole, where the vermin were so thick, as they might have been swept away. The captain was some little time after brought before the council, and re-examined upon the foresaid questions. And when he gave them no great satisfaction, the old lord Collington told him bitterly, he would face the Grassmarket. When threats moved him very little, some others of them changed their style, and calmly asked him, what is the reason you will not comply as your elder brother hath done, and abundantly satisfied the council. This was a flat lie spoken in judgment, and yet somewhat worse than the clerk's treatment of him. It was extremely vexing to him, however he stood his ground. When he was remanded to the Canongate prison, his soul was sore distressed with the account the counsellors had given him of his brother's compliance. He had no other way to disburden himself, his brother being now in close prison in the high-town tolbooth, but to write an unsigned letter to him, giving an account of what was said of his compliance, and signified to him in warm enough expressions, that though he was his dearest relation, yet rather than he should relinquish the cause of Christ, he would choose to see him suffer. This letter with a Bible was sent in by a

woman to William Campbell, and was caught at the door; whereupon the poor woman and his brother were immediately brought before the council, and strictly questioned who was the writer of the letter. The poor woman, Margaret Aird, who most probably did not know from whom the letter came, was tortured in thumbkins, and the boots were brought before William, and he threatened with them if he would not discover the writer of the letter; but nothing would prevail. This letter put them in such a fret, and indeed it was abundantly tart, that they ordered a committee of their number to go upon Saturday and examine the prisoners in the Canongate tolbooth upon it, particularly the captain, and his cousin John Campbell prisoner there. Somewhat or other fell in, which diverted the counsellors from coming, only they sent an order to remove these two from the room they were in, to the iron-house in the Canongate. This was a strange and unexpected step of providence in the captain's eye; for just the day before, he had fallen on methods to convey some instruments to the prisoners there, for breaking prison, without the least prospect of having any share himself in the designed escape. The orders were most welcome to them both, and to the iron-house they came. Upon Saturday's night, they began about eight of the clock, and wrought close till next morning. All their instruments were two gimlets and a chisel, and a board-iron. To-morrow they got more time to work, than upon any other day, and continued boring the joists, and having cobwebs in plenty, they covered all whenever they heard the jailors coming in. Thus they continued two days and nights, until they got a good large breach made in the flooring above them, and on the third night they got another passage made in the flooring of the loft above the woman-house; and having got a good quantity of small cords, sheets, and bed-clothes conveyed to them, thirteen of them made a shift to get out underneath the palm of the Canongate steeple, and got all safe to the ground by the help of the cords and bed-clothes, and escaped, save William Young, who was retaken upon Tuesday, and suffered

in a day or two, and another who was wounded by a fall he caught. The two cousins travelled till they met happily next night at the hill of Tintock, and from that got into Ayrshire, where the captain's father, and William Campbell of Middle-Welwood, joined them, and they spent that winter, and part of the next year together in the fields very privately, always lying in the open air, perfectly exposed to rain, snow, and cold. In April, 1685, they had made a little lodge for themselves, in a very retired place in the middle of the mountains. In a little time after, the highlanders came to that country, and discovered their hiding-place, and they were forced to remove, and separate one from another. In a few days Middle-Welwood and his brother were taken by Claverhouse, and cruelly treated, and with others were sent to Dunotter. When Argyle was coming in, the captain fell in with that excellent gentleman, afterwards lieutenant-colonel Clelland, and passed much of the summer 1685, with him, and John, afterwards lieutenant-colonel Fullarton, and that great man Mr Robert Langlands, Mr George Barclay, and Mr Alexander Pedin, and met with many wonderful deliverances, preservations, and provisions. When the noble earl of Argyle's attempt was disappointed, the captain was almost outwearied with his long difficulties, and took up resolution to go to Virginia, but was in a very remarkable way detained at home, God having service for him in his native country. At first he was put back by stress of weather, and when attempting a second time, was detained by his brother's sickness, and lastly by his own. In April 1686, that excellent youth, his brother William Campbell died of a decay, contracted by the terrible severities he met with in the prison of Edinburgh. He fell asleep in Jesus, in much peace and joy. And though there was as great endearment betwixt them, as perhaps ever was betwixt two brothers, yet the captain durst not appear at his burial. Thus he continued wandering up and down under no small hardships till the revolution, when he ventured out and levied a troop of dragoons, man and horse, without any charges to the

government, and mustered the same 1684. in the excellent lord Cardros's regiment, where he was very useful.

To return to the register, August 26th, the council order a party to bring in the under-written persons prisoners to Edinburgh, who were present lately at a field conventicle kept within half a mile of Greenock, by Mr James Renwick, where there was a child baptized. "Patrick Lang maltman in Greenock, James Holm, William Baird, William Andrew, James Warden, William Scot, Marian Muir there Linning who lived at Polmadie or little Govan, George Muir in Rutherglen Tom in Polmadie, and some others."

The same day, I find a petition given in to the council containing a most unaccountable oppression committed in the parish of Calder, by Thomas Kennoway depute to Meldrum; which, with other facts of this kind, we may afterwards hear of, provoked some persons to bring him to an untimely end, November this year. I have no more about it but what is in the registers. Anent the petition presented by Robert Aitkin, and about two and twenty men and women, (whose names I insert not) in the barony of Calder, among whom are two minors and a cripple, "bearing, that they are charged with letters of horning, at the instance of the fiscal to the laird of Meldrum, and Thomas Kennoway his depute, for alleged not keeping the kirk, and not deponing for themselves, wives, children, and cottars, being fined in a hundred pounds per piece, whereas, generally speaking, they pay but six pounds for their house, according to their respective charges, by a decret April 6th last, of which they complain as most wrongous. *1mo.* Because they were summoned only against the 23d, as the summons produced bear, and yet the decret passed in absence upon the sixth day. *2do.* All of them who got advertisement of that day, at their appearance declared they were ready to bring testimonials of their behaviour, under the minister's hand, which were absolutely refused, and each of them were required to depone for themselves, family, and cottars, and because they would only depone for themselves, they were decreeted. *3tio.* If

the council would please to call for 1684. and see the said decret, the said fiscal and depute would be holden ridiculous for acting the petitioners in such extravagant fines, although they had been guilty, as they are not, they being yet still willing to bring to their lordships testificates under the hand of their minister, for their orderly living. 4to. Michael Graham, who lived not in Calder these seven years, is fined for not keeping Calder kirk. 5to. The laird of Meldrum, by a special act under his own hand, acknowledged, that his fiscal and depute had committed several abuses among the petitioners, and stopt diligence till he heard them, which is not yet done." Upon the whole they crave the fiscal and Kennoway may be called before the council and examined, and they discharged. The council ordain the laird of Meldrum to take the petitioners' oaths, as to their keeping the kirk, being at conventicles, and their wives' orderly carriage, and sist execution till the report be made.

Almost at every sederunt of the council, new complaints are given in of exorbitant fines by sheriffs, and such as had a council power. August 26th, Robert Alexander of Corsclays, complains that he was fined by Ardmillan upon the 7th of February last, in 2808 pounds, for withdrawing from ordinances, by a decret passed in his absence when sick. The council repone him to his oath. And by another complaint, I find Thomas Kennedy of Grange, by a decret fined in twelve thousand pounds, he is repone *ut supra*.

September 4th, the laird of Jarviswood is fined, for alleged reset and converse, in six thousand pounds sterling, as we shall hear, when I come to his case in particular. And September 10th, I find the committee for public affairs make their report to the council concerning fines. "That the lady Graden is fined by the sheriff of Teviotdale, in twenty six thousand and odd pounds, the lady Greenhead in sixteen thousand and odd pounds. The committee find reason to sist execution as to her, and the council approve. And John Watson of Dunikeir in Fife, and his spouse, fined in 1050 pounds for irregularities, and the committee order execution." This is all I meet with in the

council-registers; but I have before me an extract of the fines imposed upon the heritors of the shire of Roxburgh, for not keeping of the church, and exacted, taken from the letters of horning, as the extract bears, dated August 11th, 1684. I have not taken that particular notice of the exorbitant fines in each shire and parish, my materials lead me to, designing, if I can bring it to any bearing, to give a general estimate in the different parishes I have accounts from; but this is such a prodigious sum from one shire, that I thought it deserved a room here, and give it as I find it in two different copies of an extract of the decret foresaid.

The laird of Riddell	£52,000
The laird of Bonjedburgh	40,500
Lady Chesters	14,750
Lady Timpindean	1,405
Lady Mangerton	8,974
Lady Castles	13,500
Lady Hassendean	
Scot of Alton	2,146
Lady Fotherly	540
March Cleugh	1,896
Laird of Greenhead	16,875
Laird of Massendean	2,285
James Scot of Thirlstone	9,369
Laird of Cherry-trees	10,650
Laird of Ednam	19,657
Lady Cranston	19,657
Lady Know	
Elizabeth Melkle and her husband	
Lady Garinberry	5,700
Laird of Chatto	31,344
Laird Bonjedburgh for himself and lady	1,500
Lady Mangerton a second time	500
Lady Craigend a second time	247
Lord Cranston with his lady	1,412
Laird of Bonjedburgh a third time	1,750
Sir William Scot of Martin	18,000
<i>Summa totalis</i>	<u>£274,737</u>

Those fines imposed by inferior courts are not indeed to be compared with those imposed by the council, toward the end of the year, from which there was no appeal. I have formerly pointed at the methods by which fines for irregularities were screwed up to this prodigious sum. In some the whole was exacted, especially in meaner persons, who had less ability to debate with the sheriff in his oppression; all by the decret were made liable in law, and execution followed, unless a sist were got; but, generally speaking, compositions were made, and those were severely uplifted. By those the reader may guess what an incredible sum an exact account of the fines im-

posed upon heritors in each shire of the west and south would come to; and if we add to those the prodigious sums most arbitrarily levied from tenants, cottars, and tradesmen, for mere nonconformity, of which it is scarce possible to recover any tolerable accounts, since they were all pocketed, and no account was to be given of them, we may form some notion of the dreadful oppression at this time.

September 16th, the council order Hay of Park, Alexander Monro, and Campbell of Arkinglass, to be sent to Blackness castle, and kept close prisoners. The occasion is not insert in the registers. The last worthy gentleman was a Campbell and probably laid up upon suspicion of the earl of Argyle's designs of making some attempt which was now talked of.

September 25th, "The committee for public affairs, having considered the examination of John Brown tailor journeyman in Edinburgh, who declares he lived in Edinburgh those six years, was taken lately in Libberton's wynd, will not acknowledge the king's authority without his own limitations, will not pray for the king since it ought to be done in a devout manner and place for prayer. Declares he thinks it lawful to take up arms against the king in defence of the covenant, and that the covenant will be yet owned. Refuses to answer as to the archbishop of St Andrews, and whether it be lawful to hear the present clergy. Thinks Bothwell-bridge lawful, because those who were there were in self-defence, and refuses to subscribe." The committee order him to lie in the irons till further order. It is a wonder he was not straight sent to the justiciary, and the gallows; perhaps there was not a quorum of the justices in town.

October 9th, the council allow physicians to visit James Hamilton of Aikenhead in prison. This gentleman was only confined for nonconformity, and it was hard enough after all he had endured, that when standing in need of physicians he should not have been let out, at least on caution. The same day William Niven in Pollockshaws, whom we shall afterward meet with, and John Hodge, are ordered to be sent to the plantations, because they would not take

the oath of allegiance, or engage to regularity, or own Bothwell-bridge to be rebellion. 1684.

November 7th, the council have before them a petition from several gentlemen in Roxburghshire, who had been exorbitantly fined. I give it as it stands, as a further evidence of what is above. It is but some of them who apply, who were in the decret, and persons are here named who were not in the extract. And this application is only from such as were fined for their ladies' nonconformity. "The following persons being fined, for their wives' alleged withdrawing from their parish kirks, and other irregularities, by the sheriff of Roxburgh, in the following sums, Samuel Morrison of Massindieu in 2285 pounds, Christopher Ker spouse to William Turnbull of Sharp-law, and the said William in nine hundred and fifty pounds, Eupham Turnbull spouse to John Douglas of Timpandean, and the said John in 1288 pounds, lord Crauston for his lady in William Ker of Chatto in 31,000 and odd pounds, Sir William Ker of Greenhead in 16,000 and odd pounds, Walter Scot of Colston in 5000 pounds, Adam Scot of Hassendean in Andrew Edmiston of Ednam in and being charged, and having represented they were not legally cited, and divers other reasons, desiring they might be reponed." The council sist execution, and delay the further consideration till the first Thursday of December. That same day John Scot of Wall petitions the council, but met with less favour, "that whereas in March, 1683, he was fined by Meldrum, and in October last, by the lords of justiciary, for his wife's withdrawing from the church, which she did, not knowing the consequences of it, and that he himself hath lived most regularly, and is a zealous keeper of the church, and, with the rest of the heritors of Teviotdale, has lately given a proof of loyalty received by the said lords, craving that execution may be stopped." The council repel his allegances, and ordain the letters to be put in execution.

The partiality of the managers in this matter of fines, appears at every turn; for notwithstanding of this refusal to the laird of Wall, the council, December 4th, act

quite otherwise in the case of the
1684. laird of Balcanquell in Fife. "Anent the petition of David Balcanquell of that ilk, whereas the petitioner is required by the sheriff of Fife, to pay the sum of 15,000 pounds, upon the account of his wife her not keeping the church, being three years' valued rent; and seeing his loyalty and regularity is notourly known, and may be attested; and seeing it was never his majesty's intention, that his dutiful and well-affected subjects should be ruined by the mad and wilful opinion of their fanatic wives, without any fault of their own; humbly supplicating the council, to take the same under their consideration, and discharge any further diligence against him, for the foresaid fine, seeing it is not in his power to persuade his wife to go to church, notwithstanding all the endeavours, for that effect, he has used with her, and he is willing to deliver her up to the council, to be disposed of at their pleasure." The council having heard and considered the petition, discharged, and hereby discharge the within written fine, and grant order to relax him; the petitioner nevertheless being always obliged to deliver up his wife to justice, when required by the ordinary, to answer for church-irregularities.

December 24th, "The council order the lady Cavers to be liberate, upon her bond to leave the kingdom, and her payment of 500 pounds sterling, formerly imposed by the council." This is all I find in the records. But, as I promised before, I shall now give some further hints of this excellent lady's case, from other papers, and likewise of a process against her tenants, which was indeed most unaccountable, and both of them from authentic papers.

We have before heard of her heavy trouble and imprisonment, November, 1682, in Stirling castle, where she continued till the close of this year, excepting a few weeks now and then she was liberate for her health; and such was the rigour of our Scots managers, that had not her son, this year as he came home from his travels, prevailed with some about court for this favour, and the liberation come that way, she had continued longer in prison. Her case was indeed very hard, to say nothing

of her shining virtue and singular piety, and her being chargeable with nothing but simple nonconformity with prelacy, and no ways concerned in any thing against the government, nor could once be supposed to be. She was only a liferentrix, imprisoned now more than two years for an exorbitant fine of 500 pounds sterling, a sum exceeding three years' rent of her estate, without allowing any part of her said liferent, for her own maintenance, or that of her children. The diligence used against her tenants bound them up from paying her money, and her rigorous and close imprisonment deprived her of the use of any means for her livelihood and subsistence. This brings me to the case of her tenants, which deserves a room here, as it was a proof of the injustice of the ordinary magistrates, and the palliating of it by those in higher stations, and was indeed a very general case to all the tenants who favoured suffering heritors. February 1683, an arrestment was used in the tenants' hands, and January this year, a decret was pronounced against them by the sheriff of the shire, not only for what was due by them, in the time of the arrestment, but also for the full current year's rent. The tenants urged for themselves, very reasonably, that the arrestment was used in February, and they took not their land till two months thereafter, it could not be supposed that at the time of the arrestment, they were debtors for that year's rent, when then they had not taken the land; and no other diligence had intervened till Martinmas, which was the first term of payment; they had then paid to the lady near the half of their year's rent, from which at least they craved to be assoilied, in regard that from the time they took the land to the said term of payment, there had been no diligence used by arrestment or otherwise, to put them in *mala fide* to pay the same. Meldrum's power with the sheriff prevailed, contrary to law and reason, to repel this just defence, and the decret was extracted for the hail, and letters of horning raised.

By a paper of the tenants' presented to the council, dated April 1st this year, I find William Douglas, James Harkness, James Turnbull in Kirkton, William and

Jean Staverts, James Lyden, and James Laing in Earlside, tenants to the lady Cavers, informing the council, that an arrestment had been used in their hand, February 1683, at the instance of Hugh Wallace the king's cash-keeper, sequestrating all then resting by them to the lady, till her fine of nine thousand merks was paid; that they were moveable tenants, and renewed their tack for the next year in April thereafter, and had no new arrestment laid on after the first, and therefore thought themselves safe to pay eleven hundred pounds of that new rent, at her call next term, for which they had discharges; that upon the 8th of January last, they were summoned before the sheriff of Roxburgh, and compearing, deponed on what was resting in their hand in time of the arrestment; and further, gave account of what they had paid since, and urged according to the very nature of all arrestments, that it could reach no further than what was in their hand, and could never look forward to a new tack; that the sheriff delayed to pronounce his interlocutor upon that head, till he had advised the case: however a decret was passed in their absence, without ever receiving summons to hear and see sentence pronounced, and upon a Friday, which was never the ordinary court day, and they have ground to doubt whether the decret was pronounced in the ordinary place of judgment; and upon this pretended decret without citation, they have now received a charge to make full payment of the whole year's rent, upon the 21st instant, while the term of payment of the last half is not due till Whitsunday, and the petitioners are like to be distressed before the legal term of payment." I need scarce remark, that such stretches as these were very frequently made now before the most part of the ordinary courts, in cases wherein any of the persecuted party were concerned; and this confirms the general remark which occurs frequently, that oppression upon civil liberties still goes along with oppression in matters of conscience.

Together with the foresaid information, the lady Cavers' tenants petition the council, that since they had done nothing in this matter, but what they thought was

the part of dutiful tenants, and if they were forced to pay the half ¹⁶⁸⁴ year's rent over again, it would ruin them and their families, that the decret might be discharged, at least till they should be fully heard before their lordships." This petition was rejected, though indeed very reasonable. About the middle of May, the tenants were by virtue of a caption apprehended by a messenger, and by a party of Meldrum's troop brought down to Jedburgh tolbooth. They were afterwards allowed some few days to go home, in order to make up their money; and I find they were also discouraged by the finings and harassings they were put to, that, had not the laird of Cavers returned that year, and got the prosecution stopped, they had all left the ground.

I have no further anent this excellent lady, save her petition and her son's given into the council this year, the particular date is not added, but probably the act of council liberating her followed upon them. They deserve a room in this place, as containing a further account of the state of this worthy person's case. The lady Cavers' petition bears, "That whereas by their lordships' sentence upon the day of November, 1682, she was fined in five hundred pounds sterling, and committed prisoner to the castle of Stirling, until the same were paid, precisely upon her refusing to give her oath upon the points of her libel, which did not proceed from any contumacy, but out of a tenderness she hath ever had to give her oath, in any case almost, but will not decline the most exact and strict trial in the matters whereof she is accused; and is so conscious of her own innocency, that she doubts not it will be evident to the council, she was misrepresented to them by misinformations, proceeding either from malice or mistake, to which she is the more exposed, being a person who lives abstract from all company, employing her time in the education of her numerous fatherless children." She begs, "that the lords may consider the meanness and smallness of her estate, a jointure not exceeding an hundred and fifty pounds sterling a year; that she is in debt, and bound to aliment her younger children,

1684. five in number; and pleads, that unless the council relieve her from the fine, she and her small children, the issue of a family, who for many years have served their king and country faithfully and honourably, will not only be reduced to ruin, but starving. That by her long and tedious imprisonment, her health and estate are impaired exceedingly. She adds, that in time coming she resolves to live inoffensively to the whole world, educating her children, and enjoying herself in her recluse and desolate condition, without meddling with any persons or affairs in the world. Upon the whole she craves, that their lordships may, in compassion to the widow and the fatherless, remit her and them the said fine; and if they think it necessary, favourably to represent her case to his majesty, who, she submissively hopes, will grant her humble desire; and in the mean time, that they will permit her to intromit with her jointure, for alimentering five poor fatherless children, which she thinks it will scarce be able to do, in respect of the meanness of it, and the debts wherewith it is already burdened."

By any thing appears to me, this reasonable petition, very pathetically drawn, had no weight with the council, till her son, Sir William Douglas of Cavers, now come home, presents another petition to the council, representing, "that his mother being several years in prison for nonconformity, and not keeping the church, he, though desirous of her reclaiming, yet out of respect to the king's laws and government, will propose nothing that may be of evil example to others; and therefore only begs she may be allowed to come to her friends and relations, and that he may be received cautioner for her, that she shall live regularly, or, within three months after the date of her liberation, remove forth of the kingdom, and not return without special allowance; by which, adds he, the country will be freed from any alleged prejudice she may do in case of non-compliance, and the law be saved, and sufficient terror given to others. And he urges, that the justices ordinarily allow this even to such as are denounced fugitives; and the council hath already granted it to the lady Longformacus, lady Moriston, and

others. And concludes, with representing that this will be a far more effectual remedy than imprisonment, which being within one's native country, becomes familiar and easy in a short time."

The former sentence of the council is all I know of in answer to this representation, and we see the managers have no mind to part with the lady's unaccountable fine, after so long imprisonment, and she is obliged to take on a voluntary banishment from her native country and small family. No further accounts have come to my hand of this worthy person's sufferings; but sure matters were at a miserable pass, when a son was necessitate in such terms, to petition for so good a mother, and so honourable a family; and many others were treated much the same way, merely for nonconformity, and not counteracting the light of their own conscience.

John Linning dyster in Glasgow, was this year imprisoned fourteen weeks, merely for alleged favouring of the sufferers. The case of this good man was singular, and aggravated the severity used towards him. He had lost his sight entirely, and had been frequently incarcerated and threatened with imprisonment, but because of his blindness, was soon let out; this year he was kept close prisoner near four months. And to such a pitch did the inhumanity of this period run, that when a child of his came to be very near death, and frequently and passionately cried for her father, he made earnest application to the magistrates of Glasgow, for liberty to converse with his dying and affectionate child, were it but for an hour or two. But so reasonable a favour could not be granted, though he offered bond and caution under what penalty they pleased, to return to prison at whatever hour they should appoint. The child died without the satisfaction of seeing her parent, neither was he allowed to come forth to her burial, though he repeated his offer of bond and caution to them; all this was the more unaccountable that he was blind, and consequently out of case to flee from their rage. He is yet alive, vouching every part of what I have set down.

A great deal more might be added in this section, as to the particular treatment of

gentlemen and others, were it not that I have left the prosecutions with relation to the last year's plot, and those fined to the value of their estates, in the close of this year, to sections by themselves. I shall only add, that at the same diet of council, the laird of Pitlochrie is let out of the Bass upon promise to go to the plantations. In his petition to the council he promises to take Mr Archibald Riddel with him, and offers to be caution for him in five thousand merks. We shall meet with him again next year. And that same day, dame Margaret Weems, lady Colvil, petitions the council for a better room than she hath in Edinburgh prison; which is granted her. I have been told, she met with very unworthy treatment for a person of her quality, when imprisoned upon her refusal to pay a fine, which was extravagant, for her nonconformity; but having no distinct accounts of her,* I end this section.

SECT. III.

Of the proceedings of the criminal court, forfeitures, and public executions this year, 1684.

It is time now to come forward to the sufferings of a considerable number of good men unto death this year, and the forfeiture of others, some absent, and others of them in heaven before this time, and the public executions. The procedure of the justice court against those alleged to be concerned in the plot, I shall give altogether next section, and that will considerably shorten this. To give the reader an account of all that were relaxed, deserted, and continued before the justice court, for the three or four last months of the last year, and a

good part of this year, for alleged reset and converse, and state crimes, 1684. would be almost to copy the whole criminal books. Indeed for many months, I meet with no other business before them, save two or three deforcements of messengers. I only shall notice some of the more remarkable processes.

January 18th, the laird of Auchinleek, Sir John Riddel, the laird of Stevenson, Hartwood, Aikenhead, Dunlop, and a good many other gentlemen, who had been remitted by the circuits to the criminal court at Edinburgh last year, and continued till now, are delayed till March and April. We shall hear more of some of them afterwards.

February 18th, I find three persons before the justice court, and all of them condemned to die. The first is George Martin, sometimes notar, and reader at Dailly in the shire of Ayr; by other accounts, I find this person had endured most patiently, a very long tract of sufferings. He was taken towards the end of the year 1679, and perhaps was at that rising, though my accounts are not positive in this; and for four years, and some months, he continued under very great severities; for much of that time he was in the irons night and day, and mostly without fire and other necessities, in the hardest seasons. The grounds of his sentence, which he speaks of in his speech at his death, are much the same I find in his trial, "his not allowing the king's authority as now established, that is, the supremacy; his refusing to pray for the king in a superstitious manner, as his words are; his refusing to declare his opinion about king Charles' death, which, he said, he would not meddle with; his saying bishop Sharp's death was a just judgment of God upon him, whatever the actors were; and his refusing to call Bothwell rebellion, and to renounce the covenants." But to come to his trial as it stands in the justiciary books; he is indicted for treason: the probation adduced is his own confession when examined. "February 11th, being interrogate if he owns the king to be lawful king, and will pray for him; declares, he will not say he disowns him, but owns all lawful authority according to the word of God. He will not answer whether Bothwell-bridge be rebel-

* Her name was Margaret Wemyss daughter of David Wemyss of Fingask. Her husband was Robert, second lord Colvil of Ochiltree, who succeeded his uncle 1662, and died at Cleish 12th February, 1671. (Lamont's Annals.) Since the year 1748, when the house of lords decided against the claims of a person calling himself Robert lord Colvil, this family may be considered as extinct. It is scarcely necessary to add that the Colvils of Culross are a different family from the old Colvils of Ochiltree, but lineally descended from them, and now their only legitimate representatives.—Wood's Peerage, vol. I. page 355, &c.—Ed.

lion; he will not judge of other
1684. folks' actings, he owns the obligation of the covenant, and will adhere to it while he lives. He will not call Bothwell-bridge rebellion, but says, if it was a rebellion against God, it was rebellion, if not, it was not rebellion. He will not subscribe. Being interrogate if the late king's death was murder, declares, they that did it had more skill than he, refuses to call it murder, and says, he does not think it pertinent to give a declaration anent it."

With him was in the pannel John Ker wright in the parish of Hownam, in Roxburgh. His examination and answers are likewise all the proof brought against him. "John Ker refuses to own the king's authority. He says, the king lays things on his subjects contrary to the word of God, and so he cannot own his authority; that Bothwell-bridge was lawful, as a defence of the truth. As to the bishop's murder he says, it is not his part to judge. As to the late king's murder, he refuses to answer. He owns the covenant, and adheres to the ends of it. Refuses to sign."

The third person before them that same day, was James Muir at Cesford-boat. The proof is the same as to him. "He refuses to own the king's authority, but owns all lawful authority, but says his is not lawful. He refuses to call Bothwell-bridge rebellion, and refuses to call the bishop's death murder, but says he was not there."

All those confessions are judicially owned before the lords, and George Martin adds, "If the king would invade him, he would defend himself by arms." The assize bring them in guilty of treasonable positions, expressions, and opinions, conform to their confessions. And the lords sentence them to be hanged at the Grass-market on Friday 22d.

Nothing appears to me, but all the three were accordingly executed at that time, though the Cloud of Witnesses speaks only of George Martin and another, of whom just now. George Martin's speech is set down in that collection, and he delivers himself in a great many good directions, and endeavours to guard his hearers against needless and useless disputations, and presses them to study the spirit of meekness, and

to examine their ownselves more. He declares he owns magistracy and lawful authority, agreeable to the will and command of God, the one lawgiver, as much as any in Scotland. He dies, forgiving all persons all the wrongs done to him, and wishing them forgiveness, as he himself desires to be forgiven of God, and enters eternity in much peace and joy.

The Cloud of Witnesses says, John Gilry, wright in the parish of Hownam in Teviotdale, was executed with George Martin. This person must be the same, by some mistake or other, with John Ker mentioned in the registers. I have before me two original letters signed John Gilry, from the iron-house, December 27th, 1683, which savour much of humility, self-diffidence, and meekness; wherein he offers many solid grounds of support to sufferers, and presses them to observe providences, and believe well of God. I doubt not but it is the same person here mentioned, and know no more about him, but what the foresaid collection gives, that the grounds of his sentence were much the same with George Martin; and that he died in much serenity and peace, adoring free grace, and adhering to the truths of Christ, and firmly trusting in him for salvation.

It is probable James Muir likewise suffered with them. I shall only notice further here, that it must remain an indelible stain upon this period, that so many good men, whom the Lord owned so much at their death, were butchered, and led to the slaughter for their principles, and conscience' sake, and merely because they are not able, without going over the belly of their own light, to express their loyalty and approbation of magistracy, in the large and sometimes sinful terms now required.

"In the beginning of March, that excellent man, Mr John Dick, before sentenced to die, and having made his escape, is now appointed to be hanged at the Grass-market, March 5th." This is all about him in the records this year. Let me give some larger account of him, from the criminal records, the last year, when he was condemned, and other papers. There is a printed account, called the testimony of Mr John Dick, published some

years ago, in every body's hands; but the errors and blunders in the papers of this pious and zealous sufferer there printed are so many, that had not the papers left by him been very large, I would have inclined to insert here a correct copy of them from a copy in my hands, taken from the original in his sister the lady Greenhill her hand; but these being prolix, and the appendix swelling very much, I shall give but a short abstract of them, and intermix what I meet with in the registers about him. Before I come to this, I cannot but observe, that the publishers of the *Cloud of Witnesses*, after a commendation of this excellent person, dismiss him, not without an *innuendo* as not coming up fully their length; and leave this blot, as they take it to be, upon him, that he owned the Hamilton declaration, and the king's authority, in a restricted sense. Which one would think they might have spared, considering his freedom and faithfulness. Mr Dick was taken at Edinburgh, upon the information of a poor woman, being bribed, who after his execution fell in distraction. His father was a writer there, and Mr Dick, after his taking his university degrees, was prosecuting the study of divinity. Upon the 29th of August 1683, I find him examined by the committee of public affairs. His examination is printed very incorrectly, and, in his answers, Mr Dick hath the better in point of reasoning with the bishop. Upon the last of August, he was brought before the council, who, after the clerk had read the substance of his examination to him, and he had made many reflections upon it, at length he signed it *in præsentia*. When they had got this evidence against him, they failed not to improve it. And, September 4th, he is brought before the criminal court, and with George Lapeley, as we heard, indicted for treason. "In as far as he had been at Bothwell in arms, and owned it as lawful, before the council, and treasonably asserted before them, that episcopacy was unlawful, and the laws establishing the same; that since the restoration, there hath been no free parliament; that episcopacy and erastianism since established, are contrary to the word of God; that the supremacy, as established, is most horrid blasphemy;

that persons assaulted at conventicles may defend themselves; that field- 1684. conventicles are lawful, and turning out presbyterian ministers, unlawful; that the covenants are binding, and the test is an unlawful oath. Wherethrough he is guilty of high treason." For probation the advocate adduceth his own signed confession, which was read, and is inserted in the justiciary books; though it be printed, yet giving a short state of his case, I insert it here. "Mr John Dick, son to David Dick writer in Edinburgh, being called and examined, declares, he owns the work of reformation, as the same is contained in the Confession of Faith and Catechisms, conform to the covenant against popery, prelacy, erastianism, &c. and is resolved by the Lord's strength to abide by the same. Declares as to episcopacy and the laws establishing the same, he cannot understand it to be lawful, because since the king's restoration, there hath been no free or lawful parliament, as he thinks, by reason, that albeit the members thereof were elected in the ordinary way, yet when they met, there were unlawful oaths imposed upon them, whereupon severals of them left the parliament, and so he understands that it is not a free and lawful parliament. He thinks that episcopacy and erastianism established in that and subsequent parliaments, were contrary to the word of God, and that the supremacy therein established, is most horrid blasphemy." He observes in his own written account, that he added, directing himself to the chancellor, that he hoped his lordship would not take this ill, seeing he had sworn the same in the test. He pressed this might be added to what he was to sign, but it was not allowed. "Being interrogate, if he owns Hamilton and Sanquhar declarations, he declares, he does not own the Sanquhar declaration, as containing somewhat contrary to his principles, such as the cutting off of the wicked. As to Hamilton declaration, having himself read it, declares he owns it; and when they were invaded and assaulted in the exercise of the reformed religion, by any whomsoever, that they were obliged to stand to their own defence, and owns the lawfulness of field-conventicles, and their being in arms to defend

1684. themselves in case of being molested; and that he himself was always ready to own and defend his brethren in arms, when invaded for religion; and declares, that the invasion made against them at Pentland and Bothwell, they being in the exercise of their religion, was service done to the devil, and the resistance made by them in their own self-defence, was service done to God. Confesses, before Bothwell he hath ridden in arms with Mr John Welsh through the country, and blesses God for it. Confesseth, he was at a meeting at Lesmahago before Bothwell, where lieutenant Dalziel came with a party upon them, and was one of those who engaged against the party. Denies he was at Drumclog, but confesseth he was at Bothwell, and thinks Mr John Welsh stayed about half a year in the country thereafter, that he was only about eight days in company with him after Bothwell, in this kingdom. Confesseth, the king is lawful born king, and came lawfully to the crown of these kingdoms, and owns the king's authority conform to the word of God, that is to say, that he is in power to govern for the glory of God and the good of his people, and to be a terror to evil doers, and encourager of those that do well. He declares, the act of supremacy, as explained by the parliament, and the turning out of the presbyterian ministers, and overturning of the work of reformation, most unlawful acts, and being expressly contrary to the word of God, cannot be binding upon the declarant. That the covenants are binding to the nations, and shall be so while sun and moon endure; and that that oath called the test, is a most horrid and unlawful oath, and that he is not obliged to take the same. He declares, as to the killing of the archbishop, he cannot give judgment anent it, it not being an act of his own, but some of those who were called the actors, whom he knew were godly and just men.

"JOHN DICK."

When this was read to him before the justiciary, he judicially owned it, and being asked if he had any thing to add; he answered, "he had only one clause to add to his declaration, now turned to his libel, and

that was, that he was of opinion, all the blood of presbyterians shed those years bygone, merely for their principles, was murder." This he pressed might be added to his confession, and held as a part of it. "The assize inclosed, and brought him in guilty by his own confession, and the lords ordain him to be hanged at the Grass-market, September 28th." His father and friends procured the delay of the day longer, than was at first designed. The printed narrative will let the reader into a fuller view of Mr Dick's carriage before the justices, and theirs toward him; and particularly that the lords would not hear his defences, but caused the assize to inclose, who soon brought him in guilty, and then called him in, and intimated the sentence to him. When he heard it, he told them, "that to pass such a sentence upon him, without hearing him in his own defence, was a practice never paralleled among heathens." And going on, he was interrupted and ordered off.

We heard last year how he and a great many others escaped, very remarkably, out of prison, upon the 16th of September. In his printed case, or testimony, there follows a very long paper, containing a large account of his case, and reflections upon the present persecutors; which by written copies before me bears the date of October 1st, 1683, and probably it hath been written after his escape, and for his own private use, and not with any design to have it published to the world. Mr Dick was taken again in the beginning of March this year, and when brought before the council, he declined to give account how he got out of prison, adhered to his former declaration, and was remitted to the justiciary, who, March 4th, ordered him to be executed to-morrow. His carriage before the council and justiciary, and in the laigh council-house before he came to the scaffold, and his last words there and upon the ladder, are all printed in the above specified paper. This excellent and zealous man, though frequently interrupted by the beating of the drums, hath many excellent things in his last discourse, and died in perfect serenity and great assurance.

There are several pious and pleasant letters of his, writ before his execution to his

friends, before me, which indeed deserved a room in the printed account. I shall only insert here his letter to his father the morning before he suffered, as I take it, for it is not dated, being but short, and breathing out much of his pious and fervent temper.

“ Dear Sir,

“ This hath been one of the pleasantest nights I have had in my lifetime, the competition is only betwixt it and that I got eleven years ago, at Niostal in Northumberland, where and when in a barley ridge upon the Saturday’s night and Sabbath morning, before the last communion I did partake of in Ford church, the Lord firmly laid the foundation stone of grace in my heart, by making me with my whole soul close with him upon his own terms, that is, to take him to be my King, Priest, and Prophet, yea, to be my all in all, to renounce my own righteousness, which at the best is but as rotten rags, and to rest upon his righteousness alone for salvation: as also to give myself entirely without reserve, in soul, body, heart, affections, and the whole faculties of my soul, and powers of my body, to be by him disposed at his pleasure, for the advancement of his glory, and the upbuilding of my own soul, and the souls of others; inserting this clause (being conscious to myself of great infirmity) that the fountain of free grace and love should stand open for me, so long and so oft as my case should call for it. This my transaction with my whole soul, without the least ground of suspicion of the want of sincerity, which I found had been a missing in endeavours of that nature formerly, now my blessed Lord helped me to, or rather made in me, and solemnized that night and morning ere I came off that ridge. I confirmed it no less than ten or twelve times, and the oftener I reiterated, the gale continued so fresh and vigorous, that I was forced to cry, Hold, Lord, for the sherd is like to burst: so that I hope my dearest Lord is now a coming, and that the hands of Zerubbabel, who hath laid this foundation, is now about to finish it; and indeed he is now building very fast, for which my soul bleseth him, desiring you may join with me in so necessary a work. I hope ere long

the capstone shall be put on, the result of all which shall be praises and shouting to him that sits upon the throne, and to the Lamb throughout all the ages of eternity, of long lasting eternity. This, with my earnest prayers while in the body, that the Lord would help you to mind his glory, and your own soul’s eternal welfare, is all the legacy you can expect from him, who is both

“ Your affectionate son, and
Christ’s prisoner,
“ JOHN DICK.”

“ P. S. I hope, ere I go home, to get another sight of you. Let none see this till I be in my grave. The Lord gave me to you freely, so I entreat you be frank in giving me to him again, and the more free this be, the less cause you shall have to repent.”

This dying martyr’s words upon the scaffold, and when he was upon the ladder, are printed at large. I shall only add his last words from the manuscript before me. They seem to be enlarged upon in the printed copy. “ I am come here this day, and would not change my lot with the greatest in the world. I lay down my life willingly and cheerfully for Christ and his cause, and I heartily forgive all mine enemies. I forgive all them who gave me my sentence, and them who were the chief cause of my taking; and I forgive him who is behind me (i. e. the executioner.) I advise you who are the Lord’s people, to be sincere in the way of godliness; and you who know little or nothing of the power thereof, to come to him, and trust God, he will not disappoint you; I say trust in the Lord, and he will support or strengthen whatever trouble or affliction you may meet with. I remember, when Abraham was about to sacrifice his son, Isaac said, ‘ Here is the wood and the fire, but where is the sacrifice?’ now blessed be the Lord, here is the sacrifice and free-will offering. Adieu, farewell all friends.”*

* The printed account of John Dick, to which Wodrow alludes, is entitled “ A Testimony to the Doctrine, Worship, Discipline, and Government of the Church of Scotland, and the covenanted work of reformation as it was professed in the three kingdoms, together with an account of the

1684. To return to the justiciary-records, March 5th, the court have before them the process relating to Henry Hall of Haugh-head, deceased, Mr John Menzies of Wintercleugh or Hangingshaw, of Calderhead, younger of Windyedge, Henry Boswell portioner of Dunsyston, Robert Steel portioner of Stain, John Mack portioner of Hinselwood. They are all of them indicted, and found guilty (in absence) by an assize, of being in arms with the rebels, at Bothwell 1679, and are adjudged, except Haugh-head, to be executed and demeaned as traitors, when apprehended, and are forfeited. Perhaps it is peculiar to this period, that persons, a good many years after their death, should be processed, witnesses led against them, and forfeited; and yet there are several instances of this now.

We heard before of that good man Henry Hall. His estate was about six hundred merks yearly, and the laird of Meldrum possessed it many years, while his wife and children were cast out and reduced to straits. I find, by attested accounts before me, that Thomas Bogle of Bogles-hole, and Gavin Wotherspoon of Heathryknow, were forfeited for being at Bothwell. Whether it was this year or formerly, I cannot say; if their names were in the registers, I have overlooked them.

persecution of some of the most eminent in our days for their adherence to the same; as it was left in write by that truly pious and eminently faithful and now glorified martyr Mr John Dick; to which is added his last speech and behaviour on the scaffold," &c. Whatever may be thought of some of the sentiments advanced in this paper, or however we may disapprove of the manner in which Mr Dick with over freedom and perhaps an excess of plain dealing conveys his sentiments to the judges, no one will question the talent with which the argument is conducted, and the readiness with which the pannel replies to the charges of the court. A great part of the pamphlet indeed consists of reasonings and pleadings which were intended to be addressed to the judges, had an opportunity been given to the accused. But as the judges were not inclined to listen to such a lengthened discussion, Mr D. was obliged to confine himself in the actual pleadings to a few leading points, and the rest of his paper was prepared by him in his private moments, and left to be published after his death, as a testimony to the truth. Let it not be thought that the whole of the article is devoted to an exposition of the principles of this bold and righteous covenant. It is delightful to find in it what we do not always find in the polemical writings of the period, a large infusion of valuable and appropriate practical advices.

March 11th, the justices and advocate are in a good mood. "Anent the criminal process in dependence, against Sir William Lockhart of Carstairs, Mr Hugh Maxwell of Dalswinton, (who, towards the end of this year, got not so well off,) John Campbell of Horsecleugh, James Campbell of Greenock-mains, and about eighty country people, who are present, the advocate declares his majesty hath ordered the diet to be deserted against them; and the lords desert it *simpliciter*.

Upon the 17th of March, the famous trial of Cesnock comes on, which I leave to the next section. The last of March, about thirty six, mostly tradesmen, are deserted; and that same day, James Spreul apothecary in Paisley, now prosecuted for being in the late rebellion, was declared fugitive, because he does not compear.

But let us take notice of what is doing at Glasgow, by those persons, we heard, were clothed with a justiciary power. There are no records of the proceedings of these commissioners, either at Glasgow or Dumfries, that I have seen; and I shall give some account of them from other papers and narratives come to my hand.

March 19th, five worthy and good men were executed at the cross of Glasgow, upon as slender a probation as ever was

With the statement and illustration of these, many pages are occupied. I shall give simply the heads of admonition in Mr D.'s own words. "1. Let there be a cordial endeavour in the strength of our blessed Master, as to strive against every sin without exception, so to close with every commanded duty with delight." 2. "I would offer for your exercise that indispensable duty of repentance, in exercising which I shall offer these few Christian advices—First, let us dig deep in this matter—Secondly, let us take a view of all our actual transgressions—Thirdly, let there be much singleness of heart in this matter—Fourthly, let there be much dependence on the Lord for grace." 3. "Let there be the actual exercise of the grace, the noble and fountain grace of faith, as also of patience." 4. "Let us fall effectually about preparing of ourselves to meet our blessed Lord and Master whether as to his coming for our delivery in time or to judgment at the great day," &c. &c. Mr D.'s views of doctrinal and practical religion are very clear and scriptural; and his testimony proves beyond doubt that he was not so occupied with the public concerns of the church and nation as to overlook entirely the great interests of personal piety. His speech on the scaffold and the whole account of his dying scene cannot be read without deep and tender emotion.—Ed.

sustained in any case, far less in a criminal process for persons' lives, John Richmond, James Winning, Archibald Stuart, James Johnston, and John Main. We have, upon the last year, heard how some of them were seized. John Richmond was pretended to have been at Ayr-moss, but no probation was ever brought. He was taken in Glasgow as he was walking in the street, giving no provocation, by major Balfour. When he offered to seize him, John endeavoured to escape, but was soon apprehended, and most cruelly used, though they knew not as yet who he was, and had nothing to lay to his charge, save his fleeing when they offered to apprehend him. He was thence carried to the guard, and most unmercifully bound, his heels and his neck together, and left lying on the ground bleeding of his wounds and bruises. In this posture he lay a good many hours, and declared afterward, he never enjoyed a sweeter time, and felt no pain. Next day he was put in prison, where he continued till he got his indictment with the rest. James Winning tailor in Glasgow, February this year, upon some information or other, was called out of his own house, to compare before one of the bailies, by a town-officer: and being interrogate anent Bothwell, and the bishop's death, and not giving satisfying answers, he was straight sent to prison, and indicted with the rest. Archibald Stuart was a country man in the parish of Lesmahago; James Johnston lived in the parish of Calder, near Glasgow, and John Main belonged to the parish of Old Monkland. Upon the 17th of March, these five were tried for their lives by the special commission given, above narrated. The persons present were lieutenant-colonel Windram preses, Sir William Fleming, Sir James Turner, lieutenant-colonel Buchan, John Somerwel of Spittle sheriff-depute of Lanark, and William Stirling before designed; and John Jones writer in Glasgow was procurator fiscal. I shall give their trial as I have it from a mournful spectator, now a reverend minister.

Their indictment ran upon their being at Bothwell, and their being accessory to other insurrections, and reset and converse. A great many witnesses were adduced, but

nothing deponed which could militate against their life, even by the present 1684. laws; the reader may judge by a taste of the depositions. One witness deponed, that he saw John Richmond at Ayr-moss in arms: The preses asked him how far distant he was from the pannel. He answered about half a mile; yet this was sustained, and indeed the only proof they had against him. Another witness adduced against John Main, being interrogate, if he saw John among the rebels with arms, answered, he saw him coming from the eastward, and going westward. The clerk was ordered to mark that deposition, which the preses said was material, and commanded him to write, "depones, he saw John Main coming to the rebels, and going from them in arms." Whereas the deponent said no such thing. When James Winning was interrogate, if he had any thing to object against the witnesses, he answered, he had no objection; but solemnly professed, as he was to answer to God at the last day, he never carried arms in his life, for or against any man. Windram answered him, it was enough if he was in company with the rebels, though he had but his needle with him. In short, my informer assures me, he could not observe the least shadow of a proof against any of them. John Main, in his printed testimony, makes it appear, that none of the articles of his indictment were capital, and gives this account of his trial. As to his escaping out of prison, it was not to be charged upon him, but his keeper; that he was at Bothwell, but only as an onlooker; that he had conversed with one Gavin Wother- spoon, who was asserted to be a rebel, but not proven one; that indeed he had not termed Bothwell a rebellion, neither would he renounce the covenants; that his silence as to the king's authority could never in law be made treason; that as to king Charles I. his death, he knew nothing about it; and as to the archbishop's, he would not judge of that action.

The articles insisted upon in their examination against the rest, were much the same with those, and it was chiefly upon their silence as to the three last, they were put to death: all of them died in much comfort, peace, and the utmost cheerfulness.

1684. The Christian magnanimity and delight under which Archibald Stuart, a youth scarce nineteen years, died, was observed by many. Amongst other moving expressions at his execution, he had this. "I die not by constraint, but willingly, and this I can say, I am more willing to die for my lovely Lord Christ, and his work and truths, than ever I was to live." In short, all of them died in a forgiving temper, praying earnestly for pardon to their persecutors, and yet warned them of their hazard, if they continued in these courses without repentance. These five good men lie buried, with other sufferers, in the high church-yard of Glasgow. At their execution, Gavin Black in Monkland was seized by the soldiers, upon mere suspicion, and some tokens of sorrow appearing in him, and put in prison; and when upon examination, he did not satisfy their queries, he was in a few weeks with many others banished to Carolina. And at their burial, James Nisbet, a relation of one of them who were executed, was taken by one of the soldiers of his name. We shall just now meet with him in June, dying a public death. The persecutors and soldiers were very narrow in their observations at such public executions, and, as if they resolved to counter the known truth, *sanguis martyrum semen ecclesiæ*, when people appeared affected at them, or the burials of such as were allowed public burial, they picked them up to fill the next stage with blood.

I return again to the criminal court at Edinburgh. And April 1st, I find Mr John Bannantyne of Corehouse, formerly mentioned, George Ramsay of Iddington, Sir Patrick Hepburn of Blackcastle, Alexander Hume of Abbay of St Bathans, George Houston of Johnston, Archibald Crawford of Auchmains, Sir John Riddel of that ilk, Sir John Maxwell of Nether-Pollock, John Chiesly of Carswell, James Dunlop of Househill, indicted of reset and converse, and doing favours to rebels, as mentioned in their dittays in the Porteous rolls. All of them offer to abide a legal trial, and their diet is deserted *simpliciter*.

April 2d, we have another set of gentlemen indicted as the former were; Alexander Dunlop of that ilk, Alexander Hamilton of

Kinkel, James Hamilton of Aikenhead, Fergus M'Cubbin of Knockdallien, John Bog of Dornel, Hugh Dunbar of Knockshionoch, Francis Gladstones of Whitelaw, Gideon Scot of Atterside, Robert Johnston of Craigie-land, Robert Gourlay of Kepdaroch, Mr William Fullarton of that ilk, George Fullarton of Dreghorn, George Muirhead of Lauchop, James Stuart of Hartwood, James Gordon merchant in Dumfries, John Forrester of Thirty-acres, William Cunningham of Buwhau, Sir William Scot of Harden elder. They offer to abide their trial, and the diet is deserted *simpliciter*. I need not remark, that those gentlemen and many others were put to vast charges and trouble in waiting on since August last, besides the money a good many of them had to give to the clerks and others before their diets were deserted, and they had extracts. And many of them had been all this time confined to Edinburgh, and some of them imprisoned, and yet at the next circuits most part of them were of new attacked.

April 5th, I find the lords of the justiciary desert the diet against about sixteen feuars and tradesmen, whose names I insert not. And that same day, Andrew Gibson merchant in Glasgow, John Balmeno there, John Maxwell of Gribton, and about twenty others, are deserted. And April 7th, Mr Andrew Hay of Cragneithan, John Hamilton of Halcraig, Thomas Ker of Grange, and the laird of Mauldsley, are deserted. Upon the eighth and ninth, the process against the earl of Loudon, and some others, comes in, which I leave to the next section.

April 10th, James Howison, maltman in Lanark, is indicted for being at Bothwell. The witnesses prove he was in company with some of the west-country army without arms; and the assize bring him in as guilty of being with the rebels, but without arms. The case was this; he lived at Lanark, and when a party of the west-country army came there, he, as all who were in the place, was obliged either to retire or converse with them; and this is all the witnesses prove. Yet the lords sentence him to be hanged at the Grass-market, November 12th, and forfeit his lands and goods to his majesty.

April 16th, the trial of that gallant and good man John Paton of Meadow-head, in the parish of Fenwick, comes on. He was commonly called captain Paton, and had some command at Bothwell, if not at Pentland also. "April last, I find the council order a reward of twenty pounds sterling to cornet Lewis Lauder, for apprehending John Paton, a notorious rebel these eighteen years." And it is probable he was taken some time this month, since ordinarily the trial of persons in his circumstances was not long delayed. When before the justiciary he is indicted for being with the rebels, both at Glasgow and Bothwell, as a captain. The advocate *ex superabundanti* passes his being at Pentland, and insists upon his being at Bothwell. The lords find the libel relevant; and for probation he adduced his own confession before the council. "John Paton in Meadow-head, in Fenwick parish, confesses, he was taken lately in the parish of Mearns, in the house of Robert Howie in Floak; that he haunted ordinarily in the fields and muirs. Confesses, he was invited by the country people to go out in the year 1666, and commanded a party at Pentland. Confesses, he joined the rebels at Glasgow about eight days before the engagement, and was with them that morning before the engagement." Refuses to sign. The assize had no more to cognosce upon but his confession, and bring him in guilty, and the lords sentence him to be hanged at the Grass-market, Wednesday the 23d of April. By other papers I find he was charged, when before the council, with his being at Mauchlin-muir, and being a rebel since the year 1640, and a great opposer of Montrose. It is probable he was there, but there was no probation, and this was not insisted upon. He was interrogate, if he acknowledged authority; he answered, he owned authority allowed by the word of God. At the precise point upon which he stood, was his being at Bothwell. He prevailed upon to supplicate the council, and there were several there who inclined to favour him; but he remarks in his speech, that the prelates effectually opposed that. However, I find, April 17th, the council, upon his petition, continue his execution to Wednesday the 30th instant. In

the narrative they say, he is condemned for his accession to Pentland, Bothwell, and other crimes. And the council records, April 30th, bear, "John Paton in Meadow-head sentenced to die for rebellion, and thereafter remaining in mosses and muirs, to the high contempt of authority, for which he hath given all satisfaction that law requires, reprieved till Friday come se'night, and to have a room by himself, that he may prepare more conveniently for death." This is so favourable a record for him, that I apprehend the bishops have not been present: and indeed it looks as if some favour had been designed; but it took no effect, for Friday the 9th of May he was executed, when he died most cheerfully, forgiving all his persecutors, instigators, reproachers, soldiers, apprehenders, privy council and justiciary, in whatever they had done to him. But as to what they had done in despite to the image of God, and against his work, he declared it was not in his power to forgive, but heartily wished they might seek forgiveness of him who had it to give, and that they would do no more wickedness.*

Now executions turn pretty throng; and James Nisbet, in the parish of Loudon, was hanged at the Howgate-head near Glasgow, in June. I have seen nothing of his trial; and I take it to have been before the commissioners for justiciary there. It hath been already observed, that this zealous good man was taken at the burial of John Richmond, and those who were executed with him in March. He was acquaint with most part, and had been intimate with some of them, and came into Glasgow to pay his last respects to them at their burial, and there being known, he was apprehended by lieutenant Nisbet a cousin german of his own; so much does a bitter persecuting spirit break all the bonds of nature itself, and get over the nearest blood relations. He was straight carried to the guard, where

* Captain Paton's sword, and the Bible which he used when on the scaffold, are still preserved among the interesting relics at Lochgoil, the sequestered residence of the Howies, and the favourite resort of the persecuted covenanters in the troublesome times of Charles II.—Ed.

1684. he was soon entangled with their captious questions, the catechism of this period, and sent to prison. His sentence ran upon the common crimes, now made mortal sins, which I need scarce resume. He owned Drumclog and Bothwell lawful, in as far as they were acts of self-defence, and appearances for the gospel. He refused to renounce the covenants, and to own the king's authority, as he expressed, in so far as he had made the work of reformation and covenants, treason. After he was condemned, he was offered his life, if he would acknowledge the king's headship and supremacy over the church, which they well knew he would never do. He was hardly enough used, and so closely watched, as he could scarce get any thing writ to his friends in prison; yet he got a testimony writ, in which he complains he got only liberty to write incoherently. He begins with this expression. "I am come here to lay down my life for the testimony of Jesus, for asserting him to be king and head of his own house, and for no matter of fact they have against me." And it will be a lasting blot upon this time, that so many good men, against whom they had nothing but matter of sentiment and opinion, and who had never been in any rising against the government, were thus from time to time cut off. He died in much peace, and full assurance. And they saw good to execute him a little out of the town, and not at the cross, which very little diminished the confluence.

To return again to Edinburgh: In May and June, I observe many have their diets deserted, because the lords find they have lain long in prison, and no probation offers against them. And July 3d, about thirty common people and tradesmen are deserted. And through several diets this month, near three hundred tradesmen and common people have their diets deserted. It would be endless to go through them all. And July 6th, the lairds of Kirkton, Newton, and Ochiltree, are continued till November.

July 24th, Arthur Tacket in Hamilton, is condemned upon his former sentence. We heard of him before, and how hardly he escaped at Bothwell. He was a tailor in Hamilton, and taken as coming from a sermon, either that at Blackloch, or some

other, at which Mr Renwick preached. By the council registers, July 1st, I find, "Duke Hamilton informs the council, that Arthur Tacket, now a prisoner, is an heritor, and forfeited for the rebellion. The lords leave to the justices, to proceed against him according to their sentence of forfeiture." And July 22d, Arthur Tacket confesseth before the council, that he was in the rebellion at Bothwell, and lately with the rebels who were in arms in the shire of Lanark. The lords ordain him to be questioned by torture, to-morrow at nine of the clock, before the committee for public affairs. The occasion of this severity was, that the youth peremptorily refused to tell who preached, and whom he had seen at the foresaid sermon. Torture, even for discovery of treason, is hard enough, but torture for a bare discovery of a minister who preached, and such as heard at a field-conventicle, when the first was death, was yet severer. When brought before the council, or their committee, in order to torture, the advocate declared to him, and offered to give it under the hands of all present, that if he would be ingenuous and free upon all that was to be asked, what he said should never militate against himself, or any other man. Arthur answered, he could not credit them, since they had broken their promises, oaths, and subscriptions to God and man, and he could not think they would press him so much to declare who preached, if they were to make no use of what he said, whereupon the hangman was commanded to open the boot, and he laid his leg in it. When he was going on, the surgeon present desired he might desist a little, and taking the advocate aside, told him, that Arthur was very young, and his leg so small, that a few strokes would crush it to pieces, and seeing they were determined to take his life, and it was probable nothing could be extorted, he moved they would forbear.* Upon this the

* "When any are to be thrust in the boot, is done in the presence of the council; and upon that occasion almost all offer to run away. The sight is so dreadful, that without an order restraining such members to stay, the board would be forsaken. But the Duke (of York) while he had been in Scotland, was so far from withdrawing, that he looked on all the while with an unmoved indifference, and with an attention as he had been to look on some curious experiment." Burnet, Vol. II. p. 996. 12mo.—

advocate ordered the thumbkins to be brought, which he endured without making any discovery. The lords of the justiciary, upon the aforesaid day, find, "that Arthur Tacket being upon the 21st of March, 1681, found guilty, by an assize, of being in the rebellion 1679, and adjudged to be demeaned and executed as a traitor when apprehended, he being now apprehended, the lords appoint him to be hanged at the Grass-market, Wednesday, July 30th, betwixt two and four in the afternoon." He had been forfeited in absence, and now, though they had his confession, yet they only adhere to their former sentence. We heard he was at Bothwell, when he was scarce 17 years of age. Accordingly he was executed, and died most christianly, forgiving his enemies, and owning all magistrates, superior and inferior, in as far as they are conform to the word of God, the covenants, and are a terror to them that do evil, and a praise to them that do well. I very much doubt if history can produce instances of so many prosecuted to the death for such a rising as that at Bothwell, so long after, and in so vast numbers.

Towards the end of this month, and the beginning of August, I find, at different diets of the justiciary, near two hundred deserted, mostly country people who had been put in the Porteous rolls for reset and converse. Probably the managers had the new circuits by this time in view, where many of them were again attacked.

August 5th, I find three men before the justiciary, other papers make it the 15th, but I have kept by the date of the registers, Thomas Harkness in Lockerbane, Andrew Clerk in Leadhills in Crawford, and Samuel M'Ewen in Glencairn. There was one Thomas Wood in Kirkmichael, who was taken with them, but I do not find him indicted at this time. In December we shall meet with one of the same name, and, for what I know, the same person. I have a particular account of the circumstances of taking these four men, as follows. Some days after the rescue of the prisoners at Enterkin-path, which we shall meet with in the last section, Claverhouse and a party of his men were searching the parishes about in great fury; and in the parish of

Closeburn or Dalgarno, they came up- 1684.
on these four men in the fields: some accounts before me, say, they were sleeping till awakened by the soldiers, and at the sight of them they offered to flee; whereupon the soldiers pursued, shot at them, and wounded them. The soldiers were extremely enraged at this time, by the baffle given to the party at Enterkin-path; and this is the only excuse can be given for the fury that now appeared in them, though indeed there was too much of this in their ordinary carriage. All the houses near to the place where the men were found, were presently plundered, the party presuming, what they were willing to have, that the neighbourhood was guilty of resetting them, and few houses escaped an hundred merks, or an hundred pounds, loss. Great were the severities used upon the prisoners; they had been wounded when taken, and the soldiers would not suffer their wounds to be washed nor linens to be applied to them. A poor woman, who came and offered some help to them in dressing their wounds, was seized and carried prisoner a part of the way. They were brought first to Lanark, and then to Edinburgh. Upon the road they came to a narrow pass, where Claverhouse expected to be attacked, and he gave orders to the soldiers, as soon as any man appeared, to kill the prisoners, though they had confessed nothing, and nothing was proven against them. When brought before the council, three of the soldiers deposed, that these men were at Enterkin-path; and as some of their papers before me bear, that the prisoners there received the wounds they at present had: the men constantly asserted they were not at Enterkin. Thomas Wood was reserved till afterwards, and the rest that same day were remitted to the justiciary, and condemned and executed that very day, such a rage were the persecutors in.

I come now to their process, as it stands in the criminal books. Thomas Harkness and the other two, were indicted of high treason, "in as far as in this month of August they had engaged with a party of the king's soldiers; that they did not own the king's authority, or denied it; that they refused to call Bothwell rebellion; that they

1684. had conversed with persons put to the horn, and that they had conversed one of them with another being rebels." Three soldiers depone they snapped guns at them. This is all the probation I observe adduced. Throughout this process there are plain evidences of haste and thirst after blood. "The assize find them guilty of being in arms, and that one of them presented a gun to the king's forces, that they had ball upon them, that they had conversed with rebels, denied authority, and fled from his majesty's forces." Whereupon they are sentenced to be hanged at the Grass-market. They were brought into Edinburgh, about one of the clock, and that same day they are sentenced, and executed about five of the clock. Those plain honest country people, so quickly hurried into eternity, drew up a joint paper, and left behind them; which breathes so much plain honest simplicity, and is so short and serious, that the reader will be pleased to have a copy of it here. It runs not in the strain of those contained in the Cloud of Witnesses, and therefore is omitted by them; but in my opinion it deserves a room here.

The joint testimony of Thomas Harkness, Andrew Clerk, and Samuel M'Ewen, from the Tolbooth of Edinburgh, August 5th.

"Dear friends and relations whatsoever, we think it fit to acquaint you, that we bless the Lord, that ever we were ordained to give such a public testimony, who are so great sinners. Blessed be he that ever we were born to bear witness for him; and blessed be the Lord Jesus Christ, that ordained the gospel and the truths of it, which he sealed with his own blood, and many a worthy Christian gone before us hath sealed them. We were questioned for not owning the king's authority. We answered, that we owned all authority that is allowed by the written word of God, sealed by Christ's blood. Now, our dear friends, we entreat you to stand to the truth, and especially all ye that are our own relations, and all that love and wait for the coming of Christ. He will come, and not tarry, and reward every one according to their deeds in the body. We bless the Lord we are not a whit dis-

couraged, but content to lay down our life with cheerfulness, and boldness, and courage; and if we had a hundred lives, we would willingly quit with them all for the truth of Christ. Good news! Christ is no worse than he promised. Now we take our leave of all friends and acquaintances, and declare we are heartily content with our lot, and that he hath brought us hither to witness for him and his truth. We leave our testimony against popery, and all other false doctrine, that is not according to the scriptures of the Old and New Testaments, which is the only word of God. Dear friends, be valiant for God, for he is as good as his promise. Him that overcometh he will make a pillar in his temple. Our time is short, and we have little to spare, having got our sentence at one of the clock this afternoon, and are to die at five this day. And so we will say no more, but farewell all friends and relations, and welcome heaven and Christ, and the cross for Christ's sake.

"Thomas Harkness,
Andrew Clerk,
Samuel M'Ewen."

If the reader take as much pleasure in reading this plain and natural testimony, as I have done in transcribing it, he will not grudge to have Samuel M'Ewen's letter he wrote to a friend after his sentence was pronounced, since it savours of the same undisguised, cheerful, and pious spirit, and in its pure and natural shape, and, I am persuaded, entirely from himself.

"My dear Friend,

"I am this day to lay down my life for adhering to the truth of God; and I bless his holy name, that ever he honoured me, a poor country lad, having neither father or mother alive, to witness for him. And now I can set to my seal to all the truths in the Bible, Confession of Faith, catechisms larger and shorter, national and solemn league and covenant, and to all the protestations and declarations given by the poor remnant, agreeable to the same word of God. Though in much weakness, yet I love all that is for his glory, and desire to hate all that he hates, with a perfect hatred. I desire you not to be discouraged,

for, I bless the Lord, I am heartily content with my lot. It was my desire, though most unworthy, to die a martyr, and I bless the Lord who has granted me my desire. Now this is the most joyful day ever I saw with mine eyes. Farewell all earthly enjoyments and friends, in our sweet Lord Jesus Christ; and farewell Glencairn my native parish. Welcome my sweet Saviour; into thy hands I commit my spirit, for thou art he, O Jehovah, God of truth, who hast redeemed me.

“SAMUEL M'EWEN.”

When I read such plain, and yet pathetic productions from country people, I cannot but be confirmed in the reality of religion, and reckon these plain country men heavy witnesses against those who delighted thus in blood.

The justiciary are now fallen into the method of despatching the persons before them, and condemning and executing poor people on the same day, which we shall scarce meet with but in Scotland at this season. Accordingly, August 27th, I find other two sentenced, and dying the same day, James Nicol and William Young, who, if I mistake it not, is the very same who, when essaying to break prison in the Canongate, was lamed by a fall, and retaken. The Cloud of Witnesses, nor any other paper I have seen, take notice of William Young, but the registers putting him and James Nicol together, I see no ground to doubt that they underwent the same fate.

James Nicol, merchant burgess in Peebles, was a bold zealous man: hitherto he escaped, and was at Edinburgh at the trial of the last named three, which affected him very much. He was a mournful onlooker upon their process before the justiciary; and his spirit being stirred within him with what he had seen, he was taking his horse in the Grass-market to go out of the town, after he had been some time there about business; at this nick of time the guard came down with the three persons last named, to their execution. This stopped him, and he went in among the crowd, and stayed till they were executed. When coming away, in the bitterness of his spirit, he said in the hearing of a good many, these

1684.
kine of Bashan have pushed these three good men to death at one push, contrary to their own base laws, in a most inhuman manner. Whereupon he was straight seized, and carried to prison. In a day or two, he was brought before the committee for public affairs, and after that before the council, where he was very bold and plain in his answers, and was upon the 27th brought before the justiciary. By the registers I find he is indicted for treason. The probation was his own confession, that he was at Bothwell with arms, that he owns Sanquhar declaration, and the paper published at Rutherglen.

At the same time, William Young in Evandale, is indicted the same way, and his confession adduced for evidence: “that the king is king, or not king, as he keeps the covenants; that he cannot say he is now king; confesseth that he heard Mr Donald Cargil at field-conventicles since Bothwell; that he thinks those who were at Bothwell were at their duty; that he was present with James Dykes a forfeited person, at the attack upon Evandale Castle, to rescue his brother; that if he had been old enough he would have been at Bothwell; that he would disown the king or any body else, before he would disown the covenants.”

The assize bring them in both guilty of treason, by their own confession, and the lords sentence them both to be taken to the Grass-market, this present Wednesday, August 27th, betwixt two and four, and hanged. Accordingly they were executed.

The circumstances of William Young in Evandale were very singular, and I shall add a hint at them from a good information before me. He was brought in prisoner from Evandale to Hamilton, and met with great severity, when carried from thence to Edinburgh, from the soldiers, who took from him his wig, and he rode most of the way with his bare-shaven head, and his feet tied beneath the horse's belly. This good man was distempered, and much crazed in his judgment, for five years before he was taken, through a sharp and severe exercise of spirit he had been under. However, when upon any serious conversation, or at reading or prayer, his distemper was scarce any way observable; but when out of these

exercises, he was perfectly restless, 1684. wrote letters and threw them out at the windows, and cast them to the keepers; so that all in the prison observed it. His fellow-prisoners cautioned him, as much as possibly they could, when he was called before the council. When there, his answers were not out of the road; and when he came back from the council and justiciary, he was very sensible of the Lord's goodness to him, and said to his fellows, it had been given him in that hour, who was a poor foolish creature, who had much lost the use of his reason. He was one of them who escaped out of the Canongate tolbooth, and would not have been known, if he had not himself told to the soldiers who were ranging up and down, that he had broken the tolbooth. He was most barbarously used when sent back to prison, and his arms were tied, and his whole body miserably racked: this he bore with great patience. He said, that extreme pain would be intolerable, if eternal, but he was now near the crown, and rejoiced in the full assurance of it. Next day he was carried before the justiciary, and sentenced, and straight executed with James Nicol. I have been the larger on this man's circumstances, because much of the power of God, and rage of man, must be observed about him.

September 9th, I find Mr John Sinclair his process of forfeiture before the justiciary. This learned and singularly religious minister had been a good many years at Ormiston; and now when it was determined to force all presbyterian ministers, either to comply or leave the country, he choosed to retire out of harm's way. I find, April 30th, "the council being informed, that Mr John Sinclair, late minister at Ormiston, hath gone over to Holland, and preached several seditious sermons, and is about to be settled as a minister in that place, remit to the king's advocate to inquire into his behaviour whilst here, and, if he find ground, to process him according to law." This was severe enough dealing, that when ministers were retired, to avoid their ensnaring examinations, in absence processes should be raised against them, when settling elsewhere, out of the king's dominions. What scandal the advocate

gathered up, I know only by his indictment, which I am persuaded was false in every article of it. All who knew this worthy and excellent person, knew he was far from expressing himself at the rate here libelled. However, he was cited in the form that people out of the country are summoned. And at the above diet, this reverend person is indicted, and pursued for treason. "Mr John Sinclair minister at Ormiston, now at Delft in Holland, is indicted for preaching treasonable doctrine and positions, and his pressing the renewing of the covenants, and people's taking up arms against the king; that he declaimed against the king, and called his royal brother a rebellious enemy to God, and the lords of his majesty's privy council, rogues, and prayed that God would open his majesty's eyes, to see the evil of his ways, and turn him from it, [a prayer he certainly very much needed,] otherwise that he would take him away from being a scourge and a curse to God's people." And being cited at the shore and pier of Leith, and not compearing, the lords forfeit him, and appoint him to be declared fugitive and outlaw, and to be put to the horn. There is not a shadow of proof brought against him for these alleged expressions; and indeed no proof of them could be brought.

They had far more reason, according to their laws now in force, to proceed to the forfeiture of Mr James Renwick, whom we shall meet with afterwards, as the last who was publicly executed in this period. August 19th, the council form an act for the citation of such as they call vagrant preachers. "The lords of his majesty's privy council appoint Mr James Renwick and other vagrant preachers, to be summoned by way of dispensation, at the cross of Edinburgh, and pier and shore of Leith; and those summons are declared to be as sufficient as if they were personally cited; and, September 16th, they order Mr Renwick to be intercommuned." And September 19th, Mr James Renwick is indicted before the lord of justiciary, for being at Bothwell-bridge and preaching at field-conventicles, at Blackloch, Welshole, Craig, Spittal-hole, Greenock, and other places, and teaching, 'the king was no king but a tyrant.' Being cited

and not compearing, they decern him outlaw and fugitive, and order him to be put to the horn.

November 11th, John Hutchison, portioner in Newbottle, is processed in absence. One of the witnesses declares he saw him with arms in the engagement at Bothwell-bridge; another, that he saw him with the rebels some time before; another, that he saw him in company with the rebels at Pentland; and another, that he saw him near Edinburgh about that time in arms. The assize bring him in guilty of being in arms at Bothwell-bridge and Pentland. The lords sentence him to be executed, and demeaned as a traitor, when apprehended, the time and place to be named by the council, and in the meantime forfeit him.

November 13th, and at some following diets, several persons were processed, and condemned for the declaration of war, posted upon the church-doors, whom I shall leave to a section by themselves. That worthy gentleman, the laird of Duchal, was likewise condemned to die towards the end of this month, as shall be narrated in the section allotted for the account of his and his neighbouring gentlemen's fines; and towards the close of December, that excellent gentleman Jarviswood was cut off, who will come in upon the following section.

SECT. IV.

Of the council and criminal processes against the laird of Cesnock, the earl of Loudon, Mr Spence, the reverend Mr William Carstairs, the laird of Jarviswood, and others alleged to be concerned in the plot this year.

Of design I have left to this place, the procedure of the council and lords of justice last year and this, against the noble and excellent patriots alleged to be concerned in the Rye-house plot, and I shall give most of what I say about them, from the records and original papers, just in the order of time they were prosecuted, and take in all that refers to each of them together. I spoke of the plot in general last year, and say no more of that.

August 16th, last year, I find the council "appoint the king's advocate to raise a pro-

cess of treason against the earl of Loudon, lord Melvile, Sir John Cochran 1684. of Ochiltree, John Cochran his son, Sir Hugh Campbell of Cesnock elder, Campbell of Cesnock younger, the laird of Rowallan elder and younger, Montgomery of Langshaw, Fairly of Brunsfield, Bailie of Jarviswood, Crawford younger of Crawfordland, Stuart of Cultness, and Denholm of Westshiels, who being cited before the late justice-air, upon several points of treason, it was made appear to them, that at the time of their citation they were out of the kingdom."

November 3d, the procedure of the Scots council at London in this matter, is read at Edinburgh, and insert in the registers. "At Whitehall, October 22d 1683, present the king's majesty, his royal highness the duke of York, the earls of Murray, Middleton, Sunderland, Mar, Airly, Ancrum, Breadalbin, the treasurer-depute, justice-clerk, advocate, and John Wedderburn of Gosford; his majesty with advice of his privy council, orders the laird of Cesnock and his son, Rowallan elder and younger, Crawfordland, Brunsfield, Alexander Monro of Beaucrofts, Jarviswood, Mr William Carstairs, Hepburn, son to major Hepburn, Spence servant to the late earl of Argyle, prisoners at London, suspect of high treason, and some of them accused, to be sent prisoners to Edinburgh, to be tried according to law, being Scotsmen." The English law could not answer the view they had against them, and our Scots law is far more arbitrary, at least the procedure used at this time would not have gone down in England. Accordingly, those named were sent down, several of them I meet with no more in the registers, and can say no further of them; but these who were chiefly levelled at we shall meet with in their order. By a letter from the king, the advocate is ordered to prosecute the above named persons for treason.

December 10th, 1683, "the council remit it to the bishop of Edinburgh, treasurer-depute, advocate, and colonel Graham of Claverhouse, to consider the several papers sent down from London, and to put together what they find concerning every prisoner, and to begin with what concerns Spence,

and to endeavour to decypher the 1684. letters." February 21st, by the council-registers I find, that Rowallan younger, upon a certificate of his indisposition, hath his liberty, to abide in his chamber at Edinburgh, continued till March 21st next, with caution. We shall afterward find him and others enlarged; but Cesnock's process now falls in.

The advocate reports to the council, that he hath found matter, as he conceived, to insist against Sir Hugh Campbell of Cesnock for treason. The council, February 12th, ordain him to insist, and appoint Sir George Lockhart to concur in the said process with the king's advocate. The design of this was plain enough, to hinder that able lawyer, who had vexed them so much in the earl of Argyle's process, to be employed by Cesnock. Accordingly, upon Cesnock's petition February 21st, "he is allowed to employ any advocates he pleases, and they are warranted to plead, still excepting Sir George Lockhart, he being already ordered to assist the king's advocate." However, we shall find Cesnock is not prosecuted upon the plot, but upon his accession to Bothwell, and that the witnesses who had informed against him retracted when in judgment.

I come now from the records, and some original letters writ by a gentleman present at the trial, to give a short and distinct account of the process against that worthy gentleman Sir Hugh Campbell elder of Cesnock, a very ancient and honourable family; and because this trial was plainly invidious, and every thing stretched to the utmost height, I shall give the larger view of it.

Sir Hugh was indicted March 17th, and with him John Weir of Newton, who is continued till April, and the advocate insists against Cesnock, according to an act of council, dated February 16th, by which Sir George Lockhart is appointed to concur with the advocate in this process. That day the process is delayed till March 24th, when Cesnock's indictment was read, and I have inserted it below.*

* *Cesnock's Indictment.*

Sir Hugh Campbell of Cesnock indicted and accused. that where, notwithstanding by the

After his indictment is read at the bar, Cesnock himself opened his case in a long and pathetic speech, wherein he insisted mostly upon those points. "That though

laws and acts of parliament of this kingdom, and constant practick thereof, the rising of his majesty's subjects, or any number of them in arms, without and contrary to his majesty's command, warrant, and authority, and the aiding, abetting, assisting, resetting, supplying, intercommuning, or keeping a correspondence with open and manifest rebels, and the out-hounding or ratihabiting of them, or doing them any favours, are crimes of high treason, and punishable with forfeiture of life, lands, and goods; and by the 8d act, 1 parl. king Jam. I. it is statute, that no man rebel against the king's person under the pain of forfeiture of life, lands, and goods; and by the fifth act of his majesty's first session of his first parliament, it is declared, that it shall be high treason to the subjects of this kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to use or continue in arms, to make peace, or war, or any treaties, or leagues with foreign princes or estates, or amongst themselves, without his majesty's special authority and approbation first interposed thereto. And all his majesty's subjects are discharged, upon any pretext whatsoever, to attempt any of those things under the pain of treason. And by the 37th act, 2 parl. Jam. V. it is declared, that no man wilfully maintain, or do favours to open and manifest rebels against the king's majesty, under the pain of forfeiture; and by the 144th act, parl. 12. Jam. VI. it is statute and ordained, "that no man openly or notourly rebel against the king's person or authority, or make war against the king's lieges; and that where any declared traitors or rebels repair, in any part of this realm, none of his majesty's lieges shall presume to reset, supply or intercommune with them, or give them meat, drink, house, harbour, or any relief or comfort, under the same pain for whilk they are forfeited, or put to the horn; and that immediately, upon knowledge of their repairing in the bounds, all his majesty's obedient subjects do their exact diligence, at the utmost of their power, in searching, seeking, taking and apprehending of the said declared traitors, and presenting them to justice, or in following of them while they be taken, and expelled, and put out of the shire; and immediately to make intimation to the magistrates and persons of power and authority in the next shire, who shall be holden to do the like diligence without delay, and so from shire to shire, while they be apprehended and brought to justice, or expelled and put forth of the realm; and that they, with all possible speed, certify his majesty, or some of his secret council, or some of the chief persons of authority and credit dwelling within the same shire, that such persons are within the same, wandering athort the country, or lurking in any part thereof, under the pain that the traitors or rebels ought to have sustained in bodies or goods themselves, in case they have been apprehended, presented and convict by justice;" and by the 14th act, 6 parl. Jam. II. it is declared, "that all who shall reset such as are justified for crimes, if the crimes be notour, or the trespasser convict or declared

several field-conventicles had been kept in the country where he lived, yet he had permitted none to be upon his ground; that neither himself, children, or servants, had

been present at any of them; that as 1684. he kept his own parish church regularly, so missing two of his servants there one Lord's day, he caused them to be kept

guilty, are ordained to be punished as the principal trespasser; and by the 97th act, 7 parl. Jam. V. it is statute, that no man, wittingly or wilfully, reset, supply, maintain, defend, or do favours to any of his majesty's rebels, and being at the horn, within their houses, bounds, lands, or bailiarics, under the pain of death and confiscation of their moveables." And by the common law, laws, and acts of parliament of this kingdom, bounding out and ratihibition, or art and part, is punishable as the principal crime. Yet nevertheless it is of verity, that the said Sir Hugh Campbell elder of Cesnock, shaking off all fear of God, respect and regard to his majesty's laws and authority, has presumed to commit, and is guilty of the said crimes, in so far as the bloody and sacrilegious murderers of the late archbishop of St Andrews, and their accomplices, to the number of nine or ten thousand, having, in the months of May or June, 1679, risen and appeared with arms within the western shires, in a desperate and avowed rebellion against his majesty and his authority, having burned his laws and acts of parliament, proclaimed treasonable declarations and proclamations at public market-crosses, killed and murdered several of his soldiers at Drumclog, assaulted the city of Glasgow, robbed and rifled the goods and houses of his majesty's loyal subjects, marched up and down the country in a warlike and military posture, kept councils of war, rendezvoused, exercised, appointed commanders and officers over them, and continued in open and avowed rebellion, committing all acts of hostility and high treason, till the 22d day of June the said year, that they were defeat at Bothwell-bridge. The said Sir Hugh Campbell having, upon one or other of the days of the said month of June, 1679, met with Daniel Crawford in Galston, Thomas Ingram in Borlands, John Ferguson in Cathar-ingill, and several other of the said rebels, at or near the bridge-end of Galston, coming from the rebels then in arms, whom they left at Tolcross-park near Glasgow, the pannel asked them where they had been; and when they had told him that they came from the Westland army, he said, that he had seen more going to them than coming from them. And having asked them if they were to return; they told him, they knew not. Whereupon he treasonably, contrary to his allegiance and duty, said, that he liked not run-aways, and that they should get help if they would bide by it, and bade them take courage, or some such like words to that purpose. Where- through the said Sir Hugh Campbell is guilty of intercommuning with notour rebels, they having told him that they had come from the Westland army at Tolcross-park; and the said pannel's not apprehending of the said rebels, and giving intimation to the next magistrate. And also he was guilty and culpable of giving a treasonable counsel and advice, to go back and return to the rebellious army, and also encouraging and bounding them out thereto. And also ratihibiting, maintaining, and fortifying the said rebels in their treasonable designs of rebellion, by telling, they should not want help if they would bide by it; and thereby he was

guilty of the said rebellion, and accessory thereto, and art and part thereof: which being found by an assize, he ought to be punished with the loss and forfeiture of life, lands, and goods, conform to the said laws and acts of parliament, to the terror and example of others to commit the like hereafter.

Ye are indicted and accused, that whereas, notwithstanding by the laws and acts of parliament of this kingdom, and constant practick thereof, particularly by the 87th act, 2 parl. James I. it is statute, that no man wilfully maintain or do favours to open and manifest rebels against the king's majesty, under the pain of forfeiture. And by the 14th act, 6 parl. James II. it is declared, that all who shall reset such as are justified for crimes, if the crimes be notour, or the trespasser convict or declared guilty, are ordained to be punished as the principal trespasser. And by the 97th act, 7 parl. James V. it is statute, that no man, wittingly or willingly, reset, supply, maintain, defend, or do favours to any of his majesty's rebels, and being at home within their houses, bounds, lands, or bailiarics, under the pain of death, and confiscation of moveables. And by the 144th act, 12 parl. James VI. it is statute and ordained, that no man openly or notourly rebel against the king's person or authority, or make war with the king's lieges; and that where any declared traitors or rebels repair in any part of this realm, none of his majesty's lieges shall presume to reset, or supply, or intercommune with them, or give them any meat, drink, house, harbour, or any relief or comfort, under the same pain, for whilk they are forfeited or put to the horn; and that immediately, upon knowledge of their repairing in the bounds, all his majesty's obedient subjects do their exact diligence, at the utmost of their power, in searching, seeking, taking and apprehending the said declared traitors, and presenting them to justice, or in following of them, while they be taken and expelled, and put out of the shire, and immediately to make intimation to the magistrates, and persons of power and authority, in the next shire, who shall be holden to do the like diligence without delay, and so from shire to shire, while they be apprehended and brought to justice, or expelled and put forth of the realm; and that they, with all possible speed, certify his majesty, or some of his secret council, or some of the chief persons of authority and credit dwelling within the said shire, that such persons are within the same, wandering athort the country, or lurking in any part thereof, under the pain that the traitors and rebels ought to have sustained, in their bodies and goods, themselves, in case they have been apprehended, presented, and convict by justice. And by the common law, laws and acts of parliament of this kingdom, bounding out, or ratihibition, or art and part is punishable as the principal crime. Nevertheless it is of verity, that the said Hugh Campbell, to evidence yet further his wicked and traitorous design of contriving the late rebellion in the year 1679, and that ye would, as far as was in your power, contribute thereto, by bounding, levying, sending out thereto, according as ye did promise to

1684. out of his gates till the sabbath was over, and next morning called for them, paid them their wages, and dismissed them; that during the time of the libelled rebellion, he was so far from encouraging it, that he retired to Gilchrist, (perhaps writ for Gilcherscroft) a strong house, and abode there till it was over; that he had put off his ground all his tenants who were said to be at Bothwell, as soon as they were convicted; that if he was found guilty in that matter, he was most willing to underly the law, but he knew he was innocent; that one of the witnesses adduced against him he never saw before, as far as he knew, but could prove he had declared in several places that he would do Cesnock an ill turn, be-

Thomas Ingram, Daniel Crawford, John Ferguson, and others mentioned in his former indictment, that he did send out to the said rebellion, his tenants and servants after specified, viz. Mr James Brown his chaplain, George Lambie in Crofthead, James Hutchison in Underwood, Robert Parker in Wester Lenfine, Michael Roxburgh mason in Galston, Hector Paton in Cesnock-yards, Hugh Neilson in Rickarton, John Brown younger in Priestland, Alexander Wood in Highside, John Lambie in Ladybrow, Alexander Mitchell in Priestland, George Hutchison in Underwood, Mathew Reid in Grassholm, James Richmond in Lawfield, John Hunter in Shilling-hill, George Lambie merchant in Bankhouse, William Harris officer in Rickarton, Glassford in Bareith, Samuel Ross in Netherton, John Gamil in Bank, Patrick Gamil, James Lambie in Lawfen, Hugh Wilson in Burnfoot, Francis Ross in Knowhead, and several others; at the least they having gone out to the said rebellion, and having been thereat, he did reset them upon his own ground, without inquiring where they had been, or why they had been so long absent in so dangerous and critical a time, when it was notour to all the kingdom, that there was an open rebellion carried on against his majesty, to the destruction of the peace, quiet, and security of this his native country, as well as of the monarchy therein established; and he did even reset, in his very house, William Gilmour who went out of his ground to the said rebellion, and lived very near to his own gate before the rebellion, and though he owned before his servants in his family, that he had been in the rebellion, so that the same could not but be notour to him, yet he entertained him two years as his porter, and thereafter gave him a certificate as a very honest man, and recommended him to the earl of Dundonald. And he entertained the said Mr James Brown, a notorious and ringleading field-preacher, as his chaplain in his family, and the persons above-named being his tenants and servants, and having gone out of his ground to the rebellion and immediately thereafter having returned thereto, and being ever since living therein, and he himself going up and down among

cause he had informed about a murder he (the witness) had committed. In short, as to other defences, he remitted himself to his advocates."

The advocates for the pannel were Sir John Lauder, Sir Patrick Hume, Mr Walter Pringle, Mr William Fletcher, Mr John Kincaid, Mr Colin Mackenzie, Mr Robert Main, Mr William Bailie, Mr James Balfour. After reading the indictment, the king's advocate moved that the justices might examine the witnesses previously before any trial, this being a case of treason, and alleged a letter from his majesty to this effect. Mr Pringle answered, that a previous warrant ought first to be given by the council, in terms of the king's letter, which was

them, so that, as ye were obliged to have inquired where they were, so he could not but know, that they were out at the rebellion, especially seeing their being at the same was notour in the country, and two of them were his own domestic servants, and lived in his own house. Wherethrough the said Sir Hugh Campbell has most treasonably contrived, contributed to, hounded and sent out persons to the late rebellion, has harboured, reset, supplied, entertained, conversed with, and done favours to open, notour, and manifest traitors and rebels, and was actor, art and part with the same, and of the other treasonable crimes above specified; which being found by an assize, you ought to be punished with forfeiture of life, land, and goods, to the terror and example of others to commit the like hereafter.

The said Sir Hugh Campbell is further indicted, and accused upon the laws and acts of parliament mentioned in his former indictments for the treasonable harbouring, resetting, entertaining, corresponding with, and doing favours, to notour, open, and manifest traitors and rebels, encouraging them in their rebellious practices, and dissuading them to submit to his majesty's authority; in so far as Alexander Paterson in Balgray his tenant, having, upon the first, second, third, or one or other of the days of one or other of the months of the year 1682, advertised him of his having been in the rebellion, and of his willingness to submit to his majesty's authority, and craving his advice as to what he should do, he did dissuade him, and desired him to go home to his work until he sent for him, and so he continued his tenant, notwithstanding he knew of his being in the said rebellion. As also he did, on one or other of the days of the month of June, 1679, go to the burial of Captain Campbell, who was drowned in the water of Galston as he was going to the said rebellion, where through he committed, and was guilty of the treasonable crimes above-mentioned, and was actor, art and part thereof; which being found by an assize, he ought to be punished with forfeiture of life, lands, and goods, to the terror of others to commit the like hereafter.

not produced. The advocate replied, his warrant produced was as to the whole process, and no more was needful. The lords delayed to determine till they advised with the privy council. This little bit of form was soon got over; a council was immediately called, and the advocate had a warrant given him. "Edinburgh, March 24th, the lords of council having considered a representation by his majesty's advocate, of the necessity of the previous examination of witnesses in Cesnock's process, do, conform to his majesty's letter to the justices, De-

cember 20th, 1682, give warrant to them to examine those witnesses 1684. previously. When this was produced, the lawyers entered upon the cause. Cesnock's advocates pleaded at a great length, and with much force of reason, and the king's advocate said all so ill a cause could bear. In this extraordinary case, of which no account has been yet published, the curious reader will incline to have the debates as they stand in the registers. Accordingly, I have added the defences of Cesnock's advocates,† and the

† *Cesnock's advocates' defences.*

Sir Patrick Home for the pannel alleges, always denying the indictments and haill articles and qualifications thereof. And as to the first indictment; whereas it is alleged that the defender did intercommune with the rebels, in so far as he having met with Daniel Crawford, and the other persons mentioned in the libel, at or near the bridge of Galston, as they were coming from the rebels then in arms, whom they left at Tolcross-park, and did speak and discourse with them, it is answered; *Imo.* That it is not relevant, unless his majesty's advocate condescend upon the particular day that these persons passed the bridge of Galston, which if he will do, the defender positively offers to prove that he was *absent*, and that he was at home at his own house of Cesnock at that day. *2do.* The libel is not relevant to infer intercommuning; seeing it bears, the defender only met with them by the way, and the simple meeting of persons in the highway, which was only accidental, and the asking them from whence they came and whither they were going, neither by our law, nor any law in the world, can infer intercommuning discharged by the law, which can only be understood in the case of keeping correspondence by letters, or of designed meetings to treat of things, in order to the carrying on of the rebellion, and not of accidental rencounters in the highway; and if it were otherwise understood than upon that ground, every person that had met any man coming from the rebels, and had asked at him from whence he came, or whither he was going, and had inquired for news concerning these rebels, as was very ordinary at that time, should have been guilty of intercommuning, which were absurd to imagine. *3tio.* Albeit these men declared they came from the army of the rebels in the west, yet the defender was not obliged to know that they had been concurring in the rebellion, seeing they might have been there upon another account, for many went there who had no design to concur in the rebellion. For it is notourly known that some went to bring back their horses and goods that were taken away by the rebels, others to bring back their children and servants from such rebellious courses. And therefore unless they have been denounced to be horn at the head burgh of the shire where they dwell, it could be no crime to speak or discourse with them, or not to apprehend them, or not to make intimation to the next magistrate, is clear from 126th act, parl. 12. James. VI.

by which it is expressly provided, "That the inhabitants of the shire are not put in *mala fide* to converse or intercommune with rebels, unless they be denounced to the horn at the market-cross of the shire where they dwell; and albeit they had been forfeited persons, and declared and denounced rebels, as they were not, yet the intercommuning and conversing with them, being only by chance and accident, it cannot infer the punishment of treason, as is clear from his majesty's late proclamation in April last. *4to.* Whereas it is libelled, that the defender having met with these persons at the bridge-end of Galston, he should have said to them he liked not runaways, and so is guilty of giving them treasonable council and advice to return and go back to the rebels. It is answered, that the words do not import counsel nor advice to these persons to go back to the rebels; and words and expressions can never infer a crime, far less the crime of treason, unless they clearly, directly, and positively infer the crime. Next, these words do not fall under any of the acts of parliament libelled upon, which are only against the rising in arms against the king and the wilful maintaining and doing favour to open and manifest rebels, that are declared traitors, or to reset, supply, or intercommune with them; so that, seeing these expressions do not fall under these express laws, they cannot infer the crime of treason, it being a certain principle in law, that *quod lege non cavetur, in practica non habetur.* And these being penal statutes, cannot be extended beyond the express words, especially seeing the defender was never hitherto tainted with disloyalty, but on the contrary was ready upon all occasions, to testify his zeal and affection to the king's service, and to suppress field-conventicles, which are the rendezvouses of rebellion, and upon all occasions, and in all companies did always inveigh against that execrable rebellion, and all rebellious courses, as being destructive to the king's interest, the peace, quiet, and well of the kingdom. *5to.* Whereas it is libelled, that the defender spoke these words, or some such like words to that purpose, is not relevant in such general terms; for seeing the crime consists in words, the particular words ought to be expressed and condescended upon in the libel, otherwise it is not relevant. *6to.* Albeit the words mentioned in the indictment should amount to treasonable expressions, yet the defender is secure by his majesty's gracious act of indemnity in July 1679, by which his sacred majesty for the reasons and

king's advocate's answers. † After
1684. hearing of those the court adjourned

till to-morrow, when the pannel's advocates
made their duplies, they are inserted, § and

causes therein mentioned, does expressly indemnify all such as have spoken, written, printed, published, or dispersed any traitorous speeches, or have advised any thing contrary to the laws; and generally all such as are liable for any pursuit or occasion relating to any public administration, by convincings, actings, or oppositions, or otherwise, preceding the date hereof, declaring the generality of these presents, to be as effectual to all intents and purposes, as if every circumstance of every one of the foresaid delinquencies or misdemeanors were particularly and specially therein insert; and that every one of the persons that might be challenged or pursued for the same, had a remission under the great seal, or an act of indemnity past in his favour, discharging any of his majesty's officers or subjects to pursue any person or persons upon any such account, either *ad privatam* or *vindicatam publicam*, or to upbraid them therewith, and commanding all the judges to interpret this his majesty's remission, with all possible latitude and favour, as they will be answerable upon the highest peril.

As to the second additional indictment, always denying the same, whereas it is alleged, that the defender was guilty, in contriving of the late rebellion, in the year 1679, and did contribute thereto, by bounding, levying, and sending out men, as he had promised to Thomas Ingram, and the other persons mentioned in the first indictment, and that he had sent out to the rebellion, the tenants and servants mentioned in the said indictment; at least having gone out to the rebellion, he thereafter reset them upon his ground, it is answered, *1mo.* that is a great mistake, for it is not so much as libelled in the first indictment, that the defender promised to Thomas Ingram and the other persons therein mentioned, to send out men to the rebellion. *2do.* It is absolutely denied, that the pannel did send out these or other persons to the rebellion, and the tenants going out to the rebellion, cannot make the master liable as a contriver, unless they went out by his express order. *3tio.* Albeit the defender had reset any of the persons mentioned in the indictment, on his ground after the rebellion, yet it was not relevant to infer the crime of treason, far less to make him a contriver, because it is offered to be proven, that these persons did either take the bond *debito tempore*, obliging themselves never to rise in arms against his majesty or his authority, and so it was no crime to reset them, or they were feuars, and he could not remove them; or they were tenants to other men, and so he could not be liable as resetting them on his ground, or if any of these persons had been in the rebellion, it was never known to the defender, or they were not declared rebels, or in any Porteous roll, or denounced. *4to.* As to Mr James Brown, it is positively offered to be proven, that he removed out of the defender's family about fifteen months before the rebellion, and was never a servant thereafter in his family, but was servant to the deceased lord Craigie lord justice clerk; and if it any time thereafter the said Mr James came to his house, it was only transiently for a night's time, and no man could refuse to give a night's lodging to one that was a servant to an officer of state: and the said Mr James Brown did continue as ser-

vant to the lord Craigie till he died, and thereafter was a servant to Baldoon, but was never a servant in the defender's family after the rebellion, nor for fifteen months before. *5to.* As to William Gilmour, the defender denies he was ever in the rebellion, or that he gave him a certificate in the terms mentioned in the indictment. *6to.* The resetting and intercommuning with the persons mentioned in the indictment, could be no crime, seeing they were not denounced rebels at the market-cross of the head burgh of the shire where they dwell, as is clear from the 126th act, parl. 12. Jam. VI. by which it is provided, that albeit denunciation at the market-cross of Edinburgh, shall be sufficient for the intromitting with the escheat, as the same had been made at the market-cross where they dwell."

As to the third indictment, seeing his majesty's advocate passes from it, the pannel's procurators take instruments thereupon.

Mr William Fletcher further alleges for the pannel, that the libel is not relevant. For *1mo.* all criminal libels, especially such, by which men's lives, fortunes, reputation, and posterity are drawn in question, ought to be founded on clear and positive law and statute, and the subsumption and criminal fact ought to quadrate with the laws contained in the proposition; whereas the crime libelled in this indictment, consisting of certain sentences and expressions, gathered up five years after the same are pretended to have been spoken in a transient way, to persons who were passing by, are not founded upon any of the acts of parliament libelled, which do only declare what actions are treasonable, but do not infer forfeiture from light and rash words, and the utmost extent as to which the acts of parliament go as to this point, is only to punish with forfeiture, such treasonable speeches as are malicious and advised, as appears by second act, second session of his majesty's first parliament, where it is declared to be treason, "for any person, by writing, printing, preaching, or other malicious and advised speaking, to express or declare their treasonable intentions, to plot, contrive, or intend death or destruction to the king's majesty." And this indictment not bearing that the expressions were advised and malicious, is not founded on the acts of parliament, and so is not relevant. *2do.* It has been the wisdom of the best governed nations, not to infer the crime of treason from light words, which may be rashly spoken, and the import and sense whereof may be easily mistaken; and therefore the Romans, who did not allow actions to arise from contracts, and pactions, and words, unless the same had been done by stipulation, or *verba solennia*, took care to provide by their laws, that rash words should not be drawn in consequence, as appears by the *Lex. 7. sec. 3. Dig. ad Leg. Jul. Majest.* which bears, that *libricum lingue ad pœnam facile trahendum non est, quanquam temerarii digni pœna, sic tamen si insaniis illis parcendum est, si non tale sit delictum, quod vel ex scriptura legis descendit, vel ad exemplum legis vindicandum est.* And by the *Lex Fennia Cod. si quis imperatori maledixerit*, the emperors Theodosius, Arcadius, and Honorius have declared, that *si quis improbo petulantique maledixit nomina nostra crediderit lacesenda, ac turbulenta*

Sir George Lockhart made his triplies to them. || To those Cesnock's lawyers gave their quadruples. ¶ When these are over,

the court adjourned till next day the 26th of March. 1684.

That day in the entry the king's advocate

obrectator tempore nostrum fuerit, cum pœnæ notum subjugare, sed, integris omnibus, hoc ad nostram scientiam referatur, ut ex persona hominis dicta pœnemus. And by the laws of England, the crime of treason cannot be inferred from bare words or expressions, without an overt or open act, as appears by what that learned lawyer Sir Edward Coke hath written in his Institutions, upon the chap. of high treason, where he says expressly, "that divers late acts of parliament have ordained, that compassing by bare words or sayings, should be high treason," but all these are either expelled or expired, and it is commonly said, that bare words may make a heretic, but bare words cannot make a traitor, without an overt act. And the wisdom of the makers of this law would not make words only to be treason, seeing such variety among the witnesses about the same, as few of them agree together; but if the same be set down in writing by the delinquent himself, this is a sufficient overt act within the statute. And the reason of these laws is, that the various accenting and pronouncing of words may give them a different sense, and that the memory of witnesses may be lubric, and by the custom and practice of this kingdom, treason has not been inferred from naked words without writ, unless there had been a long context of sermons and declamations, whereof the scope and design, as well as the words themselves, were clear and evident: but treason was never inferred from transient words and half sentences, which might be gathered together by ignorant hearers, who cannot take up the import and sense of a discourse. 3to. As to that part of the libel, by which the words therein mentioned are constructed to be a treasonable counsel and advice of encouragement to the rebels to go back; the words cannot bear any such construction, and at most they can only amount to a rash advised and a treasonable speech, and not to any advice that these rebels should return. 4to. Albeit the words could be stretched to infer a counsel of rebellion, yet the same being *consilium nudum, sine instructione*, it cannot import an accession to rebellion, which can only be inferred from such counsels which may be useful for carrying on the crime; and law hath distinguished betwixt an exhortation and a counsel to commit a crime, as appears from the last paragraph of the institutions *de facto*. The words are, *certe qui nullam opem ad furtum faciendum adhibuit, sed tantum consilium dedit, atque hortatus est ad furtum faciendum, non tenetur furti*. And Vinnius upon this paragraph says expressly, that *simplex consilium sine instructione, neminem furti obligat, quantumvis furtum secutum sit*. And Ulpianus in *lege 50, sec. penult. Dig. de furtis*, explaining what kind of counsel imports an accession to a crime, hath these express words. *Consilium dare videtur, qui persuadet et impellit, atque instruit consilio ad furtum faciendum*. And Papinian, in *leg. 20. Dig. de his qui notantur infamia*, says expressly, that, is *qui exhortatur, mandatoris opera non fungitur*. And this is the opinion of Clarus, *parag. fin. quest. 86*, who says, that it is *communis*. And albeit that such a counsel may import the crime of treason, the expression itself being treasonable,

yet it cannot infer art and part of the crime of rebellion, when that comes under a distinct consideration from treasonable speeches. 5to. As to the qualifications of art and part inferred from hounding out and ratihabition, the same are no ways relevant, and such qualifications can only import an accession to private crimes, which are committed for, or in name of any person, *v. g.* in revenge of a wrong done to him, but not at all in public crimes, which are not committed in contemplation of the party who hounds out or ratihabites. And therefore lawyers are generally of opinion, that such hounding out, or ratihabition, does only take place in such crimes *ubi vertitur interesse privatum, vel vindictam privatam*. 6to. The libel is not relevant in these terms, that the pannel spoke the words libelled, or some such like words to that purpose, because, *in criminibus non licet vagari*, and all criminal libels ought to be clear and distinct, and especially as appears from Damhuderius *Prax. Crim. cap. 30, num. 4*, where he says, that *omnes libellos criminarios oportet esse clarissimos*, and that they ought to express *omnes criminis perpetrati qualitates*, wherein also Bartolus and other lawyers upon the *Lex 3. Dig. de accusationibus*, do agree with him. And seeing the specific form of this crime consists in words, it is necessary that the same should be expressed, *nec enim accusata, cum existimatione alienæ jacturæ et discrimine vagari. Dig. de rei vind.* And by such a way of libelling, the pannel should be prejudged of his defences; for if the words which are to be such like, were libelled, he would make it appear that they are not words to the same purpose, and that they cannot import the crime of treason, which can only be inferred from clear and liquid expressions, and thereupon he would obtain an interlocutor from the lords of justiciary as to the relevancy; and it were a dangerous preparative, should points be remitted to an assize: and if this should hold, then his majesty's advocate needed not to libel any further than that the party were guilty of treason by giving counsel to rebels in general, which were most dangerous and absurd. As to that qualification of the libel, that the defender ought to have apprehended the rebels, conform to 144th act, 12 parl. K. Jam. VI. the same is not relevant to infer the conclusion of the libel. For it is evident that the act of parliament could only take place when the country is peaceable, but not when armies are in the fields, for *inter arma silent leges*, and it would not be expected that any private gentleman should, by seizing upon the rebels, expose himself to the fury of a standing army, and *quævis excusat a crimine*, which consists only in negligence et non faciendo.

It is likewise alleged, that the defender cannot be called in question for the crime arising from the words libelled, in respect the same are libelled to be prior to his majesty's act of indemnity, which ought to be inviolably observed: for *imo*. amnesties and acts of indemnity and oblivion, after countries have been universally engaged in crimes, do become the *magna charta* and fundamental security of the lieges, as to their lives, fortunes, and posterity. And therefore all judges ought to be tender thereof, and

1684. declared, he passes from the second and last indictments, *pro loco et tempore*. The part of the libel he and Sir

George Lockhart insisted upon was, "that the said Campbell meeting with the witnesses coming from the rebellion, inquired

to extend rather than straiten the same by their decision and interpretation thereof. 2do. It is the public interest of the king and nation, that such public indemnity should take full effect, seeing the same bears to be made for removing all fears and jealousies of the people, which do expose them to commit new crimes, and the least violating of, or impinging upon the very borders of such indemnities, doth again open a way for new fears and jealousies, no man knowing but what is another man's case this day, may be his to-morrow; and the interpretation of such indemnities being drawn from grounds of law, the people cannot know how far they may be overtaken thereby, and therefore may return to their former apprehensions; the consequences whereof may come to be very dangerous for the peace and quiet of the kingdom. And it has been the prudence and policy of this and all other nations, that when crimes did abound and spread as a contagion, indemnities were granted in ample terms, and most punctually observed. 3tio. All pardons and graces of their own nature are favourable, and are to be extended, and crowns are preserved by mercy as well as justice; for, as Solomon says, Prov. xx. 28, "Mercy and truth preserve the king, and his throne is upholden by mercy." And it is the duty of the judges, inviolably to preserve in the minds of his people, a sense of his majesty's goodness, in securing to them these universal and public pardons, for *nulla dote, nullo genere virtutis mortalitas propius accedit ad divinæ naturæ similitudinem, quam miserendo humanæ imbecillitati, ignoscendo erroribus, et injurias obliviscendo*. And there was never any king in the world, that has given greater demonstrations of private bounty and clemency to his subjects, than his sacred majesty, and therefore the indemnity being suited to his majesty's own regal temper and disposition, it ought not to be straitened, but rather enlarged, if need were, by a rational interpretation. 4to. His majesty hath declared his *enixa voluntas*, that the foresaid indemnity should be interpreted with all possible latitude and favour, and hath commanded his judges to do the same upon no less certification than the highest peril, which demonstrates, how serious his majesty hath been that all the imperfections of his subjects should be covered, and that nothing might remain which might give them the least jealousy in time coming. 5to. By the 18th act, 7th parl. K. Jam. I. it is expressly ordained, that no man interpret the king's statutes otherwise than the statutes bear, and to the intent and effect they were made for, and as the maker of them understood, and whose does in the contrary, to be punished at the king's will. And this act of indemnity being one of his majesty's statutes and proclamations, wherein the peace and security of the kingdom is highly concerned, the sense and extent thereof ought not to be wrested and inverted contrary to his majesty's meaning and the propriety of the words; and his majesty having expressly indemnified all treasonable speeches and advices contrary to the laws, under which general, the words mentioned in the indictment are genuinely and naturally comprehended; for it is evident, that the general notion of treasonable discourse doth comprehend the same.

‡ *King's Advocate's Answers.*

His majesty's advocate craves leave to declare, that he is very much astonished to hear, that, by our law, it is not treason to hound out men to rebellion, and therefore, to shorten the debate, resolves only to take notice of these four points. 1mo. That the words spoken are treason. 2do. That the conversing in these terms, is an intercommuning with notour and open traitors, whom he knew to be such from the persons themselves. 3tio. That these words are relevantly libelled, *quoad* time and place, and there is no place for *alibi* here. 4to. That the words and converse being treasonable, are not taken off by the act of indemnity.

As to the first, it is undeniable, that, to advise people to rebellion, is, by the law of all nations, rebellion, though the advice consisted only in words, as all advices generally do; and though there be no particular act of parliament, declaring the advising to rise in rebellion to be treason, yet all acts of parliament, that declare any crime to be punishable, but much more punishable by treason, do, by an infallible and necessary consequence, declare the advising that crime, or that species of treason, to be punishable as the crime itself, and a special law were needless; and with us particularly, art and part of treason is treason by statute, and to counsel and advise, is the highest qualification of art and part, because it gives life, and courage, and being to the crime: nor can it be denied, that if the doctrine of the defence were sustained, any man might at present go up and down the whole west, and invite and hound out to a rebellion, and who can doubt but he would be highly guilty of the rebellion, who did thus raise a rebellion? and advice certainly is far more dangerous than action, and so should be more punishable. Nor can it be denied, but if their words be true, Cosnock, the pannel, did more contribute to the rebellion, than these pitiful creatures he advised; his prudence, influence, and interest being extraordinarily greater than their actions could have been. Likewise it is as undeniable, that, by the Roman law, advice to commit lese-majesty, were lese-majesty, *cujus opera, consilia, et L. 1. sect. 1. d. L. Jul. Majest.* and the seventh law cited does expressly answer itself, making words to be punished for treason, *si tale sit delictum quod ex scriptura legis descendit*, as with us art and part, or where it is *ad exemplum legis vindicandum*, the words being of great consequence, and of extraordinary evil example. And albeit, by that law, light and unadvised words, proceeding from petulance and extravagance, which are the very words of these laws, were ordinarily covered, by the emperors, with contempt, pity, or pardon; yet *ubi locus veniæ, ibi semper subest crimen*, else there needed no veniæ but in this nation; and in this case there is no place for this debate, for the speaker, and the advice, and the design, and every circumstance show that these words are malicious, and advised words; for what could be more advised, than seriously to give advice to poor people whom he knew he could influence in many repeated expressions, all tending to the same end, *in catione et geminatione verborum*? and what could be more malicious than to upbraid them

whence, and being answered, from the westland army, desired them to return, for they would not want assistance, adding, he did

not like runaways." The lords debated long among themselves as to the relevancy, replies and duplies, and at 1684.

leaving a rebellion, with the hateful name of runaways; and not only advise them to return to an open and most flagitious rebellion, but to encourage them thereto, by promising them help, or assistance, or officers, which show a rooted and malicious design to have that rebellion prosper? Nor are the words such mysterious expressions, as that every country fellow could not but necessarily understand, being fitted designedly for their capacity; nor could they forget them as loose and scattered words, being a sage, a designed advice from a man, whose parts, piety, and interest they admired. And what man alive could be such a brute as to forget the most remarkable thing they ever heard, upon the most remarkable occasion, and upon a point wherein they were so much concerned, and which they could not but lay deeply to heart, and think often upon, because it concerned them all together? and so they would remember one another, and because it was to be the foundation of the greatest resolution that ever they could be concerned in. As to the generality, objected against, of some such words, his majesty's advocate craves leave to say, that an advice was never in more explicit and specific terms libelled; and in whatever terms an advice be given, it is still an advice to rebel, and so art and part of rebellion; nor seeks he any latitude in his libelling the words, further than that he said, they should have officers, or help, or some expression of help; and it cannot be denied, but if one man should say, they would get help, or another that they should be helped, yet all these are the same expressions and the same advice, and the words are the more to be believed, that they are not expressly the same, being to the same purpose, and as to this be opposes his libel.

And as to the second point, it is undeniable, that this is not an accidental meeting with rebels, but it is an intercommuning with them upon the rebellion, and upon encouragements thereto, and though they were not denounced, yet he knew them more to be rebels, than he could have known them by their denunciation; for they themselves told him they had come from the rebellion and they were only going home to seek clean clothes, which was an acknowledgment that they were yet in the rebellion, and a part thereof; and this is far stronger than *Londonland's* case, and many others, who have been condemned for going to seek their bairns, or their horses; nor do the acts of parliament requiring denunciation militate in this case, since denunciation is but a legal, and supposed, where this is a certain and proper knowledge.

To the third it is urged, that it is an uncontested principle in our law, that no defence contrary to the libel can be admitted, for that were admit a formal probation, that the king and pursuer's witnesses are still perjured, it being undeniable, that if the king's witnesses prove that Cesnock was in such a place at such a time, and spoke such words to such men; but if Cesnock's witnesses prove that Cesnock was not there, certainly either of the two witnesses must be guilty of perjury, the fact being clearly libelled to have been expressly done, and therefore our law has always abhorred, as well as rejected such defences

as are contrary to the libel; and as, amongst many other instances, was expressly so decided in the case of Mr William Somerwell, and in the case of M'Leod, and M'Niel of Bara, in which case *alibi* of five miles' distance was repelled: and albeit *alibi* may be sometimes admitted, where it is consistent with the libel, as where the deed is not very specifically libelled; yet in this case, where the fact is specifically and clearly libelled to have been expressly done, and that the witnesses knew the pannels, and that there is no impossibility in the thing: as for instance, if Cesnock should have proven himself to have been for six months both by sea, and after, at London or Paris, and should have proven this by witnesses, beyond all exception, the justices might, *ex casu*, possibly prefer him to the probation of his *alibi*, because of the inconsistency and impossibility of the thing; yet it were most absurd, and of very irreparable consequence, to admit Cesnock to prove an *alibi* of half a mile, and by his own friends, tenants and servants, for he might, in few minutes, have gone to that town without observation; and is it not much more equitable, as well as legal, to believe three witnesses, who must be eternally damned for no advantage, and living in a country to which it will be impossible to return, if the thing be false, than the laird's own tenants and servants, who besides the general kindness, are of one sect, that think there is no sin to bring off their own friends, as is to be seen in very palpable instances? And by the nature of our assizes of error, it is clear, that our law believes, that men are much more inclined to assellie than to condemn; nor shall ever the king prove the treason, or any clapped man may be proved criminal, if this kind of *alibi* be sustained, and for this cause no evidences are received and sworn against the king in England.

As to the act of indemnity, the act itself is opposed, wherein the whole scope will show, that there is no design to secure by it fanatic heritors and ministers, but only the poor and deluded multitude; and therefore his majesty does expressly except, not only the heritors and ministers who have been in the rebellion: But 2^{do}. Such as were contrivers of it. And 3^{io}. Such heritors as contributed thereto by men or money; and what is a more clear and express contributing to a rebellion by men, than to advise men to go to it, and to encourage them to go to it, and to promise them assistance? And the laird of Cesnock's countenance and well-wishing to that cause, could have actually contributed more than a little heritor sending out one or two men, and yet that little heritor would have been guilty, though contributing far less. As also, according to this his promise and encouragement, the pannel did send, or at least connive at a great many of his tenants and servants going to the rebellion, and, as a sign of his affection, did suffer them peaceably to live upon his ground, after their return from the rebellion: Nor is his majesty's advocate resolved to debate this reset, as he might, to be, *per se*, the crime of treason and rebellion, being resolved here only for to use it as an high aggravation and qualification of his having contributed toward the success and en-

1684. length came to give this interlocutor. "The lord justice-general, justice-clerk, and other commissioners of the jus-

encouragement of that rebellion; for though a nobleman or gentleman, who lived in a country distant from his tenants, or being amongst them, meddled a little with them, might pretend some favourable construction for his ignorance, oversight, or connivance, yet Cesnock having promised encouragement, and being himself, and for many years, founded upon the principles of self-defence, whereupon Bothwell-bridge was built, and having gone alongst, in the last age, in far more open and dangerous opposition to the king's authority than Bothwell-bridge was, and having very many tenants amongst whom he conversed every day, being a diligent and knowing man, it is impossible for any man of common sense to understand how any man of his intelligence and sense could not have been most watchful over them, and not suspect, having so much interest in these tenants and servants, whom even silly and remote strangers knew to have been in the rebellion, especially seeing so notorious a man as Mr Brown, who, though he was not his servant, yet frequented his house, and wherever he lived, Cesnock could not but hear that he was in the rebellion, being the ken-speckled man in it, and his own porter, being born within a mile of his house, in his own land, and notoriously known by all his own servants, to have been in the rebellion, he having owned universally, without reserve or secrecy, to the whole servants, that he was in the rebellion; and yet, after he had kept him as long as he could agree with the young lady, he sent him away with a certificate and recommendation. All which being joined, does clear that he was one of these ringleading contriving heritors, who is excepted by the act of indemnity, especially seeing writing and speaking is not at all relative to rebellion, but to misrepresenting judicatories, &c. The citations adduced by the pannel's procurators are not answered, because his majesty's advocate thinks them only places common, and ill applied. The lords continue this criminal action and cause, and all further trial therein, till to-morrow, and ordain the pannel to be carried back to prison, under the pain of four hundred merks, the witnesses and assizers to attend.

§ *Cesnock's lawyers' duplies.*

Mr Walter Pringle, for the pannel, as to the defence founded upon the defender's *alibi*, when the pretended expressions were alleged to have been spoken, duplies, that the said defence is most relevant, and is no ways elided by the replies; for albeit the defence is a negation of the libel yet is not *pura negatio*, but is *negativa, coercitata loco et tempore, quæ maxime cadit sub sensu testis*, and such negatives are perpetually sustained in all criminal actions, *ad probandam innocentiam rei*, according to the unanimous opinion of all lawyers who write upon the subject of crimes; and the defence that Cesnock was at home in his own house all that day, that the persons mentioned in the libel came to Galston, is so circumstantiated and circumscribed by time and place, as that it is naturally impossible he could have met with them at Galston-bridge that same day, except the absurd of *bilocatio corporum* were allowed. And whereas it is pre-

ticiary, find that article, as it is libelled in the last indictment, 'that the pannel having met with the persons mentioned coming from

tended, that the defence is never sustained, but where the distance of the place is such, as that it was impossible the party could be present: It is duplied, that this pretence is most irrelevant; for albeit the distance of *alibi*, were but half a mile, or only distinct rooms in the same house, yet it is as really *alibi*, as if the distance were an hundred miles; so that whatever be the distance, if it be clearly proved for the pannel, by famous witnesses, that he was all that day in his own house, it is as naturally impossible he could have been at Galston-bridge, as if he had been all that week at Paris. And it cannot be controverted, but if a murder were committed in the next room, and that a person in another room of the same house should be accused for it, the defence of *alibi* would be sustained, if he could prove by witnesses, that he went not out of his own room all that day when the murder was committed, the witnesses being present with him all that time; and as this defence is unquestionably relevant, so it cannot be presumed but to be most true, it being well known that Cesnock is a most circumspect person, and hath constantly, upon all occasions, declared his abhorrence of all rebellious courses, and hath always, at the bar, declared before Almighty God, upon his solemn oath, that he never spoke these words, nor any treasonable words to that purpose, directly or indirectly, to these nor any other persons; and if he were of such wicked principles, it is not rational to imagine, that he would disown them upon so solemn and sacred an oath, but that he would rather satisfy himself with a bare denial; especially when he knows his oath cannot absolve him, and consequently there was never greater reason, in any case, for sustaining the defence of *alibi*, than in this case; and his majesty's advocate ought to condescend upon the precise day that the alleged words were spoken, all lawyers being positive, and particularly Carpe. Par. 3. Quest. 108. Num. 35. that when the defence of *alibi* is proposed, the express day, when the crime was committed, must be expressed; and he asserts this as the common opinion, *a qua nequaquam est recedendum*, and cites many of the famous lawyers, as Bassius, Clarus, Jason, and Mascardus.

As to the replies against the defence founded upon the act of indemnity, it is duplied, that the defence is unanswerably clear: for *1^{mo}*, it cannot be controverted, but that the pretended expressions, mentioned in the libel, are comprehended in clear and express terms, under the general clause of the act of indemnity, whereby, in express words, all persons are indemnified who have spoken, written, printed, published, and dispersed any traitorous speeches, or have advised any thing contrary to the laws; which clause is so clear and comprehensive, that it is impossible to suppose any case where treason had been committed, either by transient speech or even by a tract of discourse, or by treasonable counsel or advice, but the same will fall under the said general clause, and be thereby indemnified. *2^{do}*. The exception, in the said act of indemnity, of all such heritors or ministers, who have been in the late rebellion, or were contrivers thereof, and such heritors as have con-

the rebels in arms, June 1679, and having asked them where they had been, and when they had told him they had come

from the westland army, he said he had seen more going to them than ^{1684.} coming from them, and he having asked

tributed thereto any levies of men or money, can never be stretched to deprive Ceanock of the benefit of the indemnity; because, albeit the expressions libelled were true, as they are not, it is impossible that they can ever infer the several cases whereupon the exception is founded; for it is neither libelled, nor can it be pretended, that Ceanock was actually in the late rebellion, nor yet that he contributed thereto by the levies of men or money, but on the contrary he concurred, to the utmost of his power, to suppress the same, and did always declare his abhorrence thereof, and kept his horses and arms from being taken by the rebels. And as to the other case of the exception, whereby contrivers are excepted, it is not possible, with any propriety of words, to infer from the expressions in the libel, that Ceanock was a contriver of the rebellion, because the true and proper sense and meaning of contrivers, is only where a person hath consulted and combined with the ringleaders to raise the rebellion, and hath laid down methods for that effect, which cannot in the least be inferred from the words of the libel, seeing the rebellion was contrived, formed, and had proceeded to a great height, before the pretended expressions were emitted; and therefore, by a necessary and clear consequence, can never be understood to have been contrived by these pretended subsequent expressions, which could never be the cause or occasion of that which had formerly taken effect, and had been so far consulted and contrived, as to break out to an open rebellion before the pretended expressions. 3to. What is understood by contrivers, is clearly explained in the subsequent words of the exception, viz. such heritors are only to be understood who have contributed by levies of men or money; which words are not insert alternative, but copulative, and as an explanation of the word contriver. 4to. If reasonable expressions relating to the late rebellion be so interpret, as to infer a contrivance thereof, then the benefit of the indemnity, as to all heritors and ministers, will be frustrated in every case, just as if the exception had been absolute and simple, without any qualifications: for it is certain, that in all house and field-conventicles, the ministers did not only preach in downright terms, and maintained and defended the horrid principles of rebellion against his sacred majesty and his government, but also, in direct terms, encouraged and incited the people to rise in open arms, and the rebellion did immediately follow: and yet the lords of justiciary have ever denied the benefit of the indemnity to any such ministers or heritors present at such conventicles; so that it appears evidently that reasonable preachings and discourses, albeit evasive to the rebellion, never have been interpreted to infer the contrivance mentioned in the exception, and far less can the same be inferred from treasonable expressions, emitted after the contriving and actual raising of the rebellion. And if such expressions should be stretched to infer a contrivance, it is impossible to suppose a case where an heritor or minister is guilty of treasonable speeches relating to the late rebellion, that he may still be brought under the compass

of that exception, and be debarred from the benefit of the indemnity, because it may be always pretended, that such expressions and treasonable speeches, if previous to the rebellion, did encourage the people to rise in arms, and if subsequent to the rebellion, that they encouraged the people to continue, and infer a ratification; so that, by these pretences, the exception is as large as the rule, and the indemnity will prove a snare to all heritors and ministers who had just reason, by the general clause of the indemnity, and the express words, to look upon themselves as thereby secured from the guilt of all treasonable speeches, spoken, written, printed, published, or ^{and}, and of all counsel and advice contrary to the laws, unless a clear contrivance of the rebellion by contriving with the ringleaders in raising thereof, and contributing thereto by levies of men or money, were made out against them, which is not, nor cannot be pretended against the pannel. 5to. As by the common laws of all nations, all indemnities and acts of oblivion must be favourable, and largely interpret and extended, and not merely limited in prejudice of the persons who claim the benefit thereof, so, by the indemnity itself, all his sacred majesty's judges are expressly commanded to interpret the same with all possible latitude and favour, as they will be answerable upon their highest peril; and such clauses are usual in all his majesty's indemnities and acts of oblivion, as may appear by the indemnity after his majesty's restoration; whereby it is expressly ordained, that every clause and word thereof be understood in the most favourable sense the expression can bear; and consequently the pannel may justly expect, that the lords of justiciary will allow him the benefit of his majesty's gracious pardon, will not suffer the general word in the exception of contrivers, to be inferred from the pretended expressions mentioned in the libel, upon nice and empty debates and stretches, contrary to the true meaning, import, and design of the said indemnity. 6to. Whereas it is pretended, that the exception does comprehend all heritors who have been actually in the rebellion, so it may comprehend all such heritors who are not art and part of the rebellion, or are accessory thereto. It is answered, that the allegiance ought to be repelled, because the exception can only be understood according to the express terms and qualifications thereof, viz. that such heritors are only debarred who have been in the late rebellion, or were contrivers thereof by contributing thereto, of levying of men or money, and art and part, or any accession to the rebellion, otherwise than according to these express qualifications, can never be understood to have been intended or meant by the exception; for then the exception had run in these express terms, viz. that all heritors or ministers should be excepted who were in the late rebellion, or art and part thereof, or accessory thereto; and the exception not being so conceived, it ought not to be extended beyond the precise qualifications of accession therein expressed, especially seeing his sacred majesty commands all his judges to expone this indemnity with all possible latitude and favour, as they

1684. them if they were to return, and they answered they knew not, said to them, he liked not runaways, and that

will be answerable upon their highest peril: and to stretch and extend the exception to all the various cases of accession, or art and part, would be so far from interpreting the same with latitude and favour, that, upon the contrary, the interpretation would be rather rigorous and without any favour, and the exception would be as large as the rule, so that the indemnity should import nothing as to heritors in the case of treasonable speeches, albeit all persons, without any distinction, are indemnified for speaking, writing, printing, publishing, or dispersing any traitorous speeches, and even for giving counsel and advice in any thing contrary to the laws, which were to frustrate one of the greatest ends of the indemnity.

As to the additional libel, it is further alleged, that the same cannot be sustained, either simple or as an aggravation, because there is neither year, month, nor day condescended upon, in which the crimes libelled are alleged to have been committed, and the year, and month, and day are essential in all criminal libels.

Sir John Lauder for the pannel replies further, that the defences stand relevant, notwithstanding of his majesty's advocate's answer. And *quoad* the first, that the words alleged uttered by the pannel, are not naked treasonable expressions, but are art and part of treason, and must be presumed to have been malicious and advised speeches. For *1mo.* this were to confound the limits of two distinct species of the crime of perduellion, words having for their form and essence *nudam verborum emissionem*, which are liable to mistake, especially by persons of no breeding or quality, who can give no reminiscence after five years' time, unless they had taken notice of it instantly, and redacted it unto writing; and lawyers make a very great difference between words, that of their own nature tend to the commission of a crime, and such as *non causam, sed occasionem tantum præbent delinquendi*, of which Anton. Matth. upon his title *de læsa Maj.* pag. 324, gives a very remarkable instance out of Farmacius, of a choleric captain in the march of the army; because their pay was not punctually paid, he broke forth into this seditious expression, "It is a wonder that the soldiers mutiny not;" which being handed down amongst the companies, a sedition immediately arises in the camp; and yet the lawyers determine, that he is not *perduellionis reus, quia non tam causam quam occasionem seditioni dedisse judicandus est.*

As to that part of his majesty's advocate's answer on the 126th act, 12 parl. king James VI. that he needs not in this case say, that the parties with whom Cesnock is alleged to have had the conference, were denounced rebels at the head burgh of the shire where they dwell, because he had a more certain ground of knowledge out of their own mouth, than any such denunciation could have given him. It is duplied, that their saying they came from Tolcross-park, could not put him in *mala fide* to look upon them as rebels, because they might have been there by restraint, or other excusable occasion, or might have come away in obedience to his majesty's proclamation, commanding all these

they should get help if they bide by it; or words to that purpose, as they are declared by his majesty's advocate, viz. that they

rebels to lay down their arms. *2do.* Where the law has fixed upon a solemnity, such as denunciation at the market-cross, and private knowledge does not supply the want thereof, as we see in the case of intimations, of assignations, and many others, seeing *id tantum scimus quod de jure scimus.*

As to the third allegiance made against the defence of *alibi*, that it is contrary to the libel, and that the defence condescended upon, is so inconsiderable, that it does not elide the libel, it is answered, that in many cases defences contrary to the libel, are both admitted and sustained. As for instance, where one is pursued *super homicidio præmeditato*, and he founds his defence upon the late act of parliament 1661, anent casual homicide and slaughter in self-defence, yet that by all the laws in the christian world is allowed to be received. *2do.* There is a *propositio æterna veritatis*, that Cesnock was in his own house all that day, wherein Crawford and Ingram passed by the bridge of Galston, and which consequence is so deeply rooted in nature, that no rhetoric or conviction can persuade us of the contrary: and this demonstration is confirmed by no less testimony than that of an angel, who tells the disciples that Christ was risen, *ergo*, he was not in the grave, and yet he was at no great distance; and in these cases, *magis et minus non variant specie*, and it is as infallibly true, that Cesnock, if he was all that day in his own house, was not at Galston no more than he was at Paris.

It is further added and argued in behalf of what is already alleged in the act of indemnity, that such acts by the inviolable laws of all nations, have been esteemed sacred and inviolable, *non movenda, non tangenda*, without a curse, and the loosing or questioning such securities gives a fatal blow; as if Caligula had got his wish, of whom Suetonius in *ejus vita*, tells, that he wished the whole people of Rome had but one head and one neck, that with one stroke he might strike it off: and many thousands of his majesty's loyal deserving subjects, both in southern and western shires, would be in that case, if this act shall not be found to defend; and it were a strange analogy of the law, that the rebellions and seditious field-preachings of these demagogues, shall be comprehended within this act, and a few transient, put up, and incoherent words alleged against the pannel, shall not be indemnified. As for example, it was reported, that from the 22 of Joshua, verse 22, 'the God of gods knows, and Israel shall know, that if we be in rebellion this day, God will not save us.' These firebrands did assure the people, that every hair of their head should be a man, the grass of the field should fight for them, and that they behoved to come forth and help the Lord against their mighty oppressors; and yet these, which can admit of no probation, are certainly pardoned. And whereas it is pretended, that Cesnock falls within the compass of the exception, as a contriver and contributor of levying of men or money. It is answered, that the words, except they be tortured, can admit of no such sense, *propria verborum significatione standum est, non inde absurdus resultet sensus*; and there is much more reason here, where the indemnifying par-

should have officers and help, or some expressions of help, relevant to infer the pain of treason; and repel the defence founded

upon the indemnity, and the defence of *alibi* as propounded, and all other defences." They find the libel relevant, 1684.

is ordained to be explained with all favour. *Ergo, a contrario sensu*, the exceptions diminish and lessen this indemnity, ought to be taken in the strict and precise signification, without extension or simplification; and it is known, without consulting critics, that contriving imports an antecedent accession, which could not take place here, it being acknowledged by the libel, that the rebellion was formed in being before this accidental rencounter, so that he is certainly within the terms of his majesty's indemnity, and craves his majesty's advocate's concurrence for maintenance thereof.

] *Sir George Lockhart's Triplies to Cesnock's Advocates.*

Sir George Lockhart for the pursuer, does insist upon that point of the libel, that the pannel did intercommune and converse with the persons condescended upon and libelled, who had been, and still were to be considered as in the state of rebellion. And as to the objection, that they were not denounced at the market-cross of the head burgh of the shire of the same, is most irrelevant, because, albeit after a rebellion is sopite and extinguished, and that persons who had been engaged in the same, did publicly converse, and go up and down, the act of parliament mentioned in the defence, may take place by denunciation at the market-cross, to proceed to put persons in *mala fide*; yet it is absurd and contrary to all law and reason, that the said act of parliament requires any such solemnity, as to persons engaged in an actual state of rebellion, it being strange to suppose or imagine, that his majesty's subjects might converse with rebels actually engaged in arms, or that it were a possible case to use the solemnities of denunciations at a market-cross, against a concurrence and combination of execrable rebels, before they were dissipated, or the rebellion extinguished.

2do. The pursuer does also insist upon the libel, as founded upon the words and expressions condescended upon, as being treasonable in the highest degree, and a downright accession to the rebellion, it being certain by the common principles of all law, that *mandans vel consulens delictum, tenetur ad poenam ordinariam delicti*, as being the spring, rise, and source of the same; and the words libelled, do directly import a counsel and advice to the persons condescended upon, to return to the rebels, and the reasons and motives condescended upon, that they would not want help or officers, were equally treason. And as to the objection made, that it was *nudum conatum*, and there was no instruction, and albeit the words should import the crime of treason, yet not an accession to the rebellion, it is answered: the words and expressions libelled, are clear, evident and plain advice, that are not capable of any benign sense or interpretation: and the pursuers do not understand what is meant by instruction; for there was no necessity to condescend upon the particular way and method, how they were to return and serve in the rebellion: but the words contain more than the law requires; for they not only contain a counsel and advice, but condescend upon motives and reasons, which are the highest and most rational

instruction for enforcing of counsel, not only from the authority and influence of the person giver, in expressing his dislike with their coming from the rebels, but also containing a motive and reason of their encouragement, that they would not want help, or be supplied with officers. And as to the pretence that the words are treasonable, yet they import no accession to the rebellion, it is answered, that all counsels and advices import and assume the nature of that crime to which the counsel and advice is given. As for example, a counsel and advice to commit murder, is an accession to murder, and just so in the crime of theft, and all other crimes, and a counsel and advice to join with, or return to rebels, is directly an accession to the rebellion, the action itself, and the counsel to which it relates, being in all cases one and the same crime. And as to that objection against the relevancy of the libel, that the words condescended upon bear that expression, or such like, and that *non licet vagari in criminalibus*, it is answered: the objection is frivolous, and the libel being special as to the words, there is no generality or uncertainty as to that clause, or such like, because it cannot admit of any variation which is material, or can alter the sense or import of the words libelled; and whatever defences can be competent to the pannel for taking off the words libelled, will no less militate against any words or expressions which are equivalent; and it is a rare conceit to imagine, that if the witnesses to be adduced to prove the libel, should vary in expressions not material, that therefore the libel were not relevant, or were not proven.

As to that allegation, that the pannel was *alibi*, and was in his own house at Cesnock at the time, when the witnesses can be able to prove the words libelled, and that the pursuer ought to condescend upon the day, to the effect the defence of *alibi* may be competent, it is answered, 1mo. that this objection is contrary to law, and there cannot be a more dangerous preparative to his majesty's interest, and whereupon the greatest of criminals and malefactors might escape: for 1mo. both the common law, and the laws of this kingdom, and the inviolable practick of the court in criminal libels, there needs no more condescendence than the year and month, and as to which the law is clear and positive, in that title where the same is *ex professo* under consideration, viz. *Digest. de accus. et inscript. leg. 8.* where the words are, *libellorum inscriptionis conceptio talis est. Lucius professus est se meminisse, leg. jul. de adult. ream deferri quod dicat eam cum Gaudio Sevio in civitate illa, domo illius, mense illo, consulibus illis, &c.* and again, *neque autem diem neque horam invitum comprehendit.* 2do. It is the common opinion of all lawyers, particularly Gomes, in that title *qualiter formetur accusatio*, where he states the question, and does positively resolve in these words, *Si vero factum aut delictum omni tempore est punibile dies et hora commissi criminis non debet poni nec inseri in libello, nec probare, quia per hoc nimis coarctaretur accusator, et tenderet in grave damnum reipublice.* And again he says in the same place in express words, *in quo accusator, etiam monitus et requisitus ab adversario, non tenetur ponere diem,*

1684. and remit it to the knowledge of an assize. I do not find the lords were unanimous in the interlocutor, but it carried

nec horam commissi criminis, nec iudex possit eum ad hoc compellere; and of the same opinion is Julius Clarus, *Quæst.* 12. *Num.* 13. Farin and others. *Stio.* How is it possible it can be otherwise? for suppose that the witnesses to be adduced by the pursuer shall prove positively the crime, and the person who commits the same, and the circumstances in which it was committed, can there be no contrary probation allowed, either directly, or by inference, to take off the force of that probation? which were just to allow witnesses to depone *contra dictum testium*: but as the point is clear in the general, so there is no necessity to enlarge upon this debate, as to this special case, in regard the *alibi* condescended upon, viz. that the pannel was at his house in the town of Galston, about half a mile distant from the place condescended upon and libelled, by no law was ever admitted, either in *judicio civili aut criminali*; and the reason is clear and undeniable, in respect it is possible in such a circumstance *alibi*, that the pannel might have been guilty of the words libelled, and might have had opportunity of meeting with the witnesses, especially there being no qualifications condescended upon to enforce the *alibi*, as that he was *detensus in carcere*, or *affixus lecto*, but does acknowledge to be in perfect health, going up and down doing his affairs, and so is a case *toto cælo* different from an *alibi* so circumstantiate and qualified by reason of the distance, that there was *impossibilitas naturæ*.

And as to that allegiance, that the pannel has the benefit of his majesty's indemnity which extends to all treasonable speeches, and to be interpret in the greatest latitude, and most benignly and favourably. It is answered, *Imo.* That the act of indemnity is opposed; for first, it is clear by the act itself, it is not a simple indemnity, but contains the exceptions therein mentioned, and therefore must be congruously interpret, that it may not only import an indemnity, as to such for whom it was intended, but also that such as were excepted and excluded, should not enjoy the benefit of the said indemnity. *2do.* It is acknowledged, that treasonable speeches having no relation to the rebellion, do fall under the indemnity, and are secured thereby; and there are many instances of treasonable speeches, which need not be condescended upon. The exceptions in the act of indemnity are plain and clear, that heritors who were contrivers of the rebellion, and contributors thereto, by levies of men or money, should not enjoy the same. The plain meaning, and English whereof, does comprehend all accession to the rebellion, and the words libelled do import a direct accession to the rebellion. And as to the objection, that none can be reputed a contriver of the rebellion, but such who advised the first raising and eruption of the rebels, it is answered: the pretence is most irrelevant; for a rebellion being equally to be considered in relation to the first eruption, and to all breaking forth of the same, it is against sense to pretend, that there is any rational difference whether one did advise the first eruption of the rebellion in one corner of the kingdom, or did advise, in order to the in-

by plurality of voices. Every body was surprised to find that Cesnock's defence of proving himself *alibi* that day was conde-

creasing and strengthening of the rebellion in another corner of the kingdom, the crime as to the atrocity being the same; and rebellions are not to be looked upon as the result of formed and communicated counsels, but every act and advice in relation to rebellion is of the same nature, and a contrivance, and a strengthening and increasing of the rebellion, and so justly excluded from the act of indemnity; and to advise, and to contrive a rebellion in the west, was just the same contrivance as to contrive a rebellion in Galloway, where it first broke out. The case does also fall under that clause by contributing to the rebellion, by levies of men or money; for contributing by levies, cannot be understood as if levies were raised by authority, but only that persons run to the rebellion; and therefore the giving advice to any, either to go to the rebellion, or to return to the same, was perfectly to contribute by sending of men to the rebellion; and if it were otherwise, the exceptions contained in the act of indemnity were of no import or significance; and all that was intended by the indemnity in relation to that rebellion, was but to secure the deluded multitude, who were easily imposed upon, and led by influence or example, but otherwise to secure heritors who were contrivers of the rebellion, or contributed thereto; and if any such thing could be sustained, it would evacuate the indemnity as to the exception, and condemn the public procedures already made against such persons who fall under that head of contrivers of the rebellion, or contributors thereto, albeit with that artifice and cunningness they did not appear, nor were not actually engaged in the rebellion.

¶ Cesnock's Lawyers' Quadruplies.

Sir Patrick Home quadruplies to that, that the expressions mentioned in the dittay are not only treasonable words, but do import counsel and advice to these persons to go back to the rebellion. It is answered, that the expressions mentioned in the indictment, are not treasonable words, seeing they do not fall under any express law against treason; and albeit such rash and inconsiderate expressions might make a man liable to an arbitrary punishment, yet they can never infer the pain of treason, which can only be inferred from these express cases mentioned in the laws; and penal laws are to be restricted and not extended, as is clear from all lawyers on that subject, and particularly Carp. 1. Par. *Quæst.* 9. *Num.* 13. *Pœnales sanctiones in iis tantummodo casibus recipiendæ sunt, quorum expressa sit mentio in legibus, neque enim pœna gravior alicui imponi debet, nisi in casibus jure expressis.* And Par. 2. *Quæst.* 56. *Quod in pœnis, vel statutis pœnalibus extra proprietatem verborum fieri non debet, ad Leg. 42. Dig. de pœnis, interpretatione legum, pœnæ molliendæ sunt potius quam asperandæ.*

2do. The expressions cannot import counsel and advice, so as to infer the crime of treason, seeing crimes cannot be inferred from remote causes and inferences, to make the party liable *ad pœnam ordinariam*. As for instance, if a man having been fighting with his neighbour,

ascended on in the libel, when he should have uttered the expressions above set down, to find this most valid defence, I say, repelled

by the lords: and this was a pre-
sage of what the issue would have ¹⁶⁸⁴
been had not probation failed. With this

they should be separated, and as they were coming out of the way, should meet with another, and he should ask him from whence he came, and he should answer him, he came from such a place where he was fighting with his neighbour, and that he came away and left him, and the person should say, he liked not runaways, and bid him take courage, and if he would bide by it he would get help; it were absurd to pretend the person that met him by the way, and had these expressions to him, should be guilty of the man's fighting with his neighbour; and the like may be instanced in many cases of the like nature.

3to. It is the opinion of all lawyers, that when it is provided by a statute, that the person who gives counsel and advice should be liable to the same punishment, is only understood of counsel and advice before the committing of the crime, but not thereafter. *Bartol. in Leg. furtum, Dig. de furtis, par. 2. Marcel. Con. 30. Num. 31 and 32. Statutum dicens quod præstans auxilium, consilium vel fideiorem malefico, tali poena puniatur, debet intelligi quando maleficium est in fieri, secus autem in malefico jam facto perfecte et consummato, et sic ante non post delictum, quia de illo statuto loquitur.* And *Minochius Cas. 351. Num. 6. requiritur quod consilium, præcedat delictum, nam si ex cuncto delicto daret consilium, illud certe is frustratorum, nec enim suus delinquens eo consilio ad delictum perpetrandum processit.*

4to. Whereas it is pretended, that the indictment, in so far as it is libelled that the defender spoke these words, or some such words to that purpose, is relevant in these general terms, seeing the pursuers condescend that the defenders had the like words to encourage the party. It is answered, that the defender spoke these words or such like *alternative*, is not relevant, it being a certain principle in law, that whenever a crime consists in words, the specific words ought to be condescended upon, for if the libelling of a crime arising from a particular fact, as the fact and deed must be condescended upon, and the libel will not be relevant in these terms, that the defender committed the fact and deed, or some such deed to that purpose; so by the same reason when a crime is libelled arising from words, the particular specific words ought to be condescended upon, seeing the varying of a syllable or a letter, will also alter the meaning and sense of the words, and if it were otherwise, then the pursuer might libel no more but treasonable words in general, which were absurd.

5to. Whereas it is alleged, that the conversing with the persons mentioned in the indictment, doth infer intercommuning with notour rebels, seeing the defender did know that they had been in the rebellion, it is answered, that it is absolutely denied that the defender did know that any of these persons had been in the rebellion, and private knowledge being *actus animi et intellectus*, which can only be proven by writ, or oath of party, which cannot be admitted in this case; but if it were allowed, he could very freely declare, as he has already done, that he did not know that these persons were in the rebellion. And seeing the law has fixed on that solemn and specific act of denunciation at the market-cross

of the shire where the rebels dwelt, to be the only thing that puts lieges in *mala fide*, to supply or intercommune with these persons who had been at the rebellion, no other thing, how notour soever, can put the lieges in *mala fide*, but only the denunciation at the market-cross of the shire, conform to the express act of parliament. And it is evident by his majesty's proclamation in April last, that the resetting, supplying, and intercommuning with persons that have been in the rebellion, does not infer the crime of treason, unless they were denounced at the horn, and forfeited for rebellion. And seeing his majesty's advocate has already declared, that he makes only use of that article of the libel as a qualification, the defender needs say no more but oppose the act of parliament which sufficiently takes it off.

6to. Whereas it is alleged that the defence of *alibi* is contrary to the libel and so cannot be sustained, it is answered, that albeit it be no nullity in a criminal libel, if the libel bear the crime to have been committed upon one or other of the days of such a month, in such a year of God, yet if the defender desire the pursuer to condescend upon a precise day, he ought to condescend thereupon, that he may not be precluded of his defence of *alibi*, which is not contrary to the libel, but elides the libel. As for instance, if it had been libelled that the defender had killed a man at Edinburgh, on one or other of the days of June 1679, and the pursuer condescending upon a particular day, and the defender should prove, that all that day he was at home at Ceanock, this were enough to elide the libel, which is clear both from the civil and common law. *Cap. final. parag. libellorum, Quæst. 8.* and from all the lawyers who write upon that subject, and particularly *Bartol. in Leg. is qui reus, Num. 10. Dig. de imp. judiciis, et Jason in lege arbitraria, 2 parag. si quis Ephesi. Num. 6. de eo qui certo loco.* And *Farin. Quæst. 1, Num. 20, And Gail. Lib. 1. Obser. 64.* who is express, that albeit it be no nullity of the libel, albeit the particular day be not condescended upon, yet if the party desire, he ought to condescend, *nam omissio diei reo auferret defensionem, ergo exprimenda, quia probare possit eo die in tali loco non fuisse.* As also, this is clear from the law of our neighbour nation of England; as appears by 37 statute K. Henry VIII. by which it is statute, that in all criminal libels, the day and place must be condescended upon; and from our own law, *Cap. 8. Quon. attac.* By which it is provided, that the names of the parties, day, year, and month should be expressed, and damage must be condescended upon: so that by the law it is as necessary to express the precise time in the libel, if required, as to condescend upon the party's name, the cause of complaints, and the place where the crime was committed. And as this is clear in the general, much more ought the pursuer to condescend in this particular case, seeing if the pursuer condescend on the day, the defender not only offers to prove *alibi* that day, but that he was all the day at home in his own house. *Quæst. defensio certata loco et tempore;* and so being a positive exception ought to be sustained to elide the libel, especially seeing it is likewise offered

1684. interlocutor the court adjourned to the 27th.

Upon Thursday the 27th, the assizers

to be proven by persons that were present in company with Ingram, Crawford, and Fergusson the time they passed through the Galston, that the defender was not with them at that time, and albeit the defender's house be not at that distance from the Galston, that it was impossible in nature he could be there, yet he condescends so pregnantly, that it is equivalent to a physical impossibility that he could be there, seeing it is positively offered to be proven, that he was at home at his own house all that day entirely, by persons that were present with him in company all the whole day, and the persons who were present with Ingram, and the rest mentioned in the first indictment, all the time they passed the Galston, and the defender was not with them, which is so circumstantiate an *alibi*, that it is beyond all question relevant to elide the libel. And as to Gomez and other lawyers cited, that seem to be of the contrary opinion, it is evident, that there they do not state the case of *alibi*, but only if the libel without condescending on the day be relevant, as to which it is not controverted. But these and all other lawyers upon that subject are clear of the opinion, that when the defender requires the pursuer to condescend upon the precise day, that it ought to be condescended upon, that the defender be not precluded of his just defence of *alibi*.

7mo. Whereas it is alleged, that the defender falls under the exception of the act of indemnity, both as a contriver and contributor to the rebellion, it is answered, 1mo. That the defender cannot be reputed a contriver, neither can those words and expressions contained in the indictment import a contrivance, being only, as is acknowledged by the indictment, spoken at a transient meeting on the highway, and it is not to be imagined that any man of common sense or reason would go and contrive a rebellion with any persons he met on the highway. 2do. Contrivance must necessarily be understood of consulting and advising things, that are previous to the rebellion, and which might give a rise thereto, and not by a transient discourse, and that contrivance should be so largely extended, as to comprehend all expressions that looked like treason; the exception would be as general as the rule, and upon that ground the former part of the act of indemnity would be altogether evacuate. 3io. As these expressions cannot infer a contrivance, far less a contributing by levying of men, which can only be understood in the proper terms of assembling men together to carry on the rebellion, which cannot be in the least pretended in this case; and the defender was so far from countenancing any thing that had the least tendency to rebellion, that he did upon all occasions testify his abhorrence of all rebellious courses, and gave a signal instance of it in April 1679, about a month before the rebellion; in so far as there being one of his majesty's soldiers killed by some of the rebels, and another wounded upon the confines of the shire, immediately the noblemen and gentlemen of the shire met, and wrote a letter to the lord chancellor, which was drawn by the defender, and subscribed by him and a great part of the gentlemen of the shire, by which they acquainted his lordship

were called and sworn, no objection being made. Their names are, Sir Robert Dalziel of Glenea, John Boyle of Kelburn,

with the murder of one of the soldiers in the night, and the wounding the other; as also of some armed field-conventicles of a considerable number of the commons occasioned by unsound, turbulent, and hot-headed preachers, making it their work to draw the people to schism and separation from the pure ordinances and instil in them the seed of rebellion; and out of their sense of their duty to authority, the good of religion, the peace and quiet of the kingdom, did think it fit to signify to the lord chancellor, their detestation and abhorrence of such horrid practices, and that they should endeavour not to be wanting in their capacities and station, what was becoming good Christians and loyal subjects. Which was a most loyal letter, and a clear demonstration that the defender is of most loyal principles, and was so far from being a contriver of the rebellion, or having any access thereto, that upon the first appearance of any insurrection, he did give timely advertisement to the lord chancellor, that effectual course might be taken for preventing thereof, and for crushing the cockatrice in the egg; so that it is not to be imagined that a man of these principles, and who did write such a letter, could be guilty of any expressions that had the least tendency to rebellion. And as a further evidence of his detestation and abhorrence of the rebellion, it is offered to be proven, that whenever he was informed that any of his servants went to conventicles, immediately he paid them their fees, and dismissed them out of his service, and would not retain any who haunted conventicles; and when he got notice of any of his people that abstained from public ordinances, he did always acquaint the sheriff-depute of the shire, and caused fine and punish them according to law, and did never suffer any of the rebels to come to his house, nor got they any of his horses, servants, or arms to assist. But immediately when he heard of any of the rebels being near his house, he left his house and came to Edinburgh to join with his majesty's forces, which was all a prudent and loyal man could do at that time. As also, it is positively offered to be proven, that he dissuaded all his tenants to join in the rebellion, and informed them to take the bond; and therefore he ought to have the benefit of his majesty's gracious act of indemnity. And if such as have been at field-conventicles, or illegal administrators of the sacraments, and had maintained positions, that it was lawful to rise in arms for reformation of religion, condemned by the second act of the second session of his majesty's first parliament, and the preachers at all these conventicles, if such as these should have the benefit of his majesty's indemnity, as certainly they have, much more the defender, who has given such signal testimonies of his loyalty. Seeing it is clear, that his majesty's design is, that the said act of indemnity should be extended in the utmost latitude, which is agreeable to the common law, *L. 3. Dig. de constitutione. Principum beneficium imperatoris, quod a divina sciz. eius indulgentia proficiscitur, quam plenissime interpretari debemus.* And if the exception of the act of indemnity should be otherwise understood, there were hardly a gentleman in the west of

Bannantyne of Kellie, Sir Patrick Maxwell of Springkell, John Veitch of Dawick, James Nasmyth of Posso, John Skene of Halyarda,

George Drummond merchant, Sir James Fleming of Rathobyres, Sir 1684.
John Dalmahoy of that ilk, Andrew Frazer

Scotland, but he might be brought under the acts of parliament against treason; and the act of indemnity which his majesty designed for removing of all fears and jealousies, and the quieting the minds of his good subjects, should be rendered altogether elusory and ineffectual.

Mr William Fletcher for the pannel further adds, and conjoins, that the defences stand most relevant, notwithstanding of the replies: for, *1mo.* Whereas it was pretended, that the conversing and intercommuning with Daniel Crawford and the other rebels, was flagrant rebellion, and before any course could be taken to declare or denounce them. It is answered, *1mo.* that the pretended converse, being only a casual rencounter on the high-way, it could not subject the pannel to any crime, but especially the highest crime of treason; and there is no man in the world so innocent and loyal, who might not have fallen in the same accident, considering the number of the rebels that were swarming in the country. *2do.* Any such converse and intercommuning being antecedent to the act of indemnity, the pannel is thereby secured, in respect that converse and intercommuning is none of the cases excepted in this indemnity, and *exceptio firmat regulam in non exceptis.*

2do. Whereas it is replied, that the pretended words do import a counsel *cum instructione*, in regard they contain motives and reasons for returning to the rebellion, *viz.* that they should not want officers and help. It is answered, that law, in this case of counsel, requires more than reasons and arguments to persuade, *viz.* directions how to compass the crime, as in *crimine furti*, and what place and house may be most easily broke, and what instruments are most fit, which species of instructions are expressly cited in the forecited paragraph of the institutions.

3to. Whereas it is replied, that the counsel takes the nature of the crime which is counselled; it is acknowledged that this holds true in the general, but still it must be such counsel as is instructed, and in this case it was impossible that the pannel might have instructed the rebels, both with proper ways how to manage the rebellion, and likewise with arms and forces.

4to. Whereas it is pretended, that the indemnity is not simple, but contains exceptions, and that albeit treasonable expressions be indemnified in the general, yet the indemnity cannot be extended to such treasonable speeches as import counsel to rebellion, that being a proper occasion to the crime by which the pannel becomes art and part thereof. It is answered,

1mo. That *verba legis præsertim favorabilis, non sunt cavillanda*; and it is impossible, without offering manifest violence to the propriety of words, that the expressions libelled should not be comprehended under the general of traitorous speeches; and albeit treasonable expressions may be distinguished into two sorts, *viz.* *1mo.* those which do only import a slander and reproach of his majesty and his government. And *2do.* those which carry in them a counsel, advice or command, to commit the crime of treason; yet it would be a very bad rule in

dialectic, to say that these words are not traitorous speeches, because they are not of the first kind of treasonable speeches. *2do.* If it be the sense and opinion of all persons, who hear these words repeated in this libel, that the same are traitorous speeches, then that genus of treasonable speeches must necessarily comprehend the same: but so it is, that the pannel doth appeal to the lords of justiciary, and all who hear the libel read, if that was not the notion which they had of these words, that the same are traitorous speeches. And albeit his majesty's advocate and these who concur with him, may subtilize upon the nicety of words, and reduce them to another class than these which are contained in the indemnity, yet words are to be understood *ex populari, quem penes arbitrium est, et jus et norma loquendi*, or otherwise words should become captions and shares, and the people for whose satisfaction the proclamation of the indemnity was made, should not be capable to understand the same; and it is not *usus artis*, but *usus popularis*, which must be the rule in this case. *3to.* According to all the rules of interpretation, in things which of their own nature are not odious, the words are to be taken according to all the propriety of popular use, *v. g.* an indefinite speech should be taken for one that is universal, and the indemnity is not only a matter not odious, but most favourable, and therefore *a proprietate verborum non est recedendum.* *4to.* It is a strange nicety and catching of words, to pretend, that words libelled should be pardoned, in so far as they are traitorous speeches, and should not be pardoned in so far as they are a counsel to rebellion; for this were indeed to cleave an hair, and it is no ways suitable to that free and native liberty which is inherent in such acts, to run to metaphysical niceties.

5to. Whereas it is pretended, that the pannel falls under the exceptions of the act of indemnity in so far as an heritor, and that it is clearly imported by the words libelled, that he has contrived the rebellion, and contributed thereto, by sending out men to the same, and that the accession arising from counsel, imports as much against the pannel, as if he had been actually in the rebellion. It is answered, *1mo.* That the act of indemnity is opposed, which excepts only heritors in three cases distinctly expressed in the act, *viz.* *1mo.* Actual rebellion, arising from these words, heritors who were in the rebellion. *2do.* Contriving. *3to.* Contributing by levies; and that counsel and intercommuning is not under any of these three heads, for the extent of the rule cannot be better cleared and determined, than by the nature of the expression; and where laws have exceptions, nothing does so much illustrate and confirm the rule, as appears from Novel. 7. cap. 2. *in initio*, where these words are to be found, *necessarium existimavimus quasdam exceptiones dare legi, cum multis vigiliis et subtilitate adinventas, ut eas habens in auxilio, lex nequaquam moveatur*; and the exception in some case doth enlarge the rule, and does fully clear the same, and makes it extend to cases which otherwise would not be understood to be comprehended, as appears from Lex. 12. Parag.

1684. of Kilmundie, Alexander Nisbet of Craigentenny, James Somerwell of Drum, James Boyd merchant in Edinburgh, James Loch of Drylaw. For probation the advocate produceth Thomas Ingram and David Crawford. Sir Patrick Hume objected for the pannel, that they could not be admitted "because *prodiderunt testimonium*, and revealed what they would say to his majesty's advocate and others; and also, that his majesty's advocate had taken their oath previous to any warrant from his majesty's privy council, which is contrary to his majesty's letter, that being only recommended to the lords commissioners of justiciary, by an express warrant from the lords of council; and it is a certain rule in law, that *testis revelans testimonium suum partibus, a testimonio repellitur*, and the reason given by lawyers is, *ne ex illius dicto alii testes subornentur*. Mascard. de prob. concl. 359. No. 40. 2do. Because in proving the pretended crime, they acknowledged themselves guilty of the crime whereof the pannel is accused, as is clear from the common law, Cod. de accus. et inscript. 3tio. Because it is offered to be proven, that Ingram did prompt and solicit others to depone in this cause, and so has given partial counsel. 4to. *Et separatim*, because they bear hatred and malice to the defender; and it is positively offered to be proven, that since the rebel-

43. where the case being stated, if when *domus instructa, legata an contineatur vestis*. The lawyer doth resolve, that it is doubtful in the general; but if there be an exception added of *aurum* or *argentum*, that the *domus instructa* must necessarily comprehend *vestis*, *nam qui hæc excepit, non potest non videri de cæteris rebus, quæ mea essent, sensisse*. 2do. The words contrivance and plotting are synonymous words, and are expressed in the Latin by *ordinatio et tractatus*, and according to the common acceptation of the words, these only are understood to have contrived and plotted a rebellion, who have taken measures, and laid down ways how to carry on and maintain the same, they keeping correspondence in order to that end, drawing what number could be engaged, how they should be provided with arms and the like, which can noways be inferred, as is pretended, from words spoke on an high-way in a passing discourse. Likewise, plots, and contrivances of rebellion are of their own nature secret and latent actions, which are done *clam et occulto*; and no rational man will presume that the pannel, who is known to be a man most circumspect in his words and carriage, could have fallen into that madness, as to have contrived a rebellion with ignorant, silly, and mean persons (some whereof he did not know) in an open

lion he promised to meet the defender with an evil turn if it lay in his power by any manner of way out of hell; and it is clear by our law, statut. 2. Rob. I. chap. 34. against those that are excluded from bearing witness, that *nec socii, nec participes ejusdem criminis, nec aliquis hostis seu malevolus parti, nec incarcerati, nec vinculati*, can be admitted witnesses."

His majesty's advocate opposes to the first, the constant practice of his predecessors, whereby they have been always in custom to examine witnesses upon oath before intenting of the libel, which a judge or privy counsellor of the nation may do both in Scotland and England, and his majesty's letter was only necessary after intenting of a libel, for a warrant to the judges who were not formerly in use to examine, though they might always have done it. To the second his majesty's advocate opposes the constant and uncontroverted custom, nor could the crime of rebellion, or any other privileged crime be otherwise proven, for who can depone but they who are *conscii*, and all *conscii* are *socii criminis*. As to the third, his majesty's advocate alleges the same is not relevant, except the malice could be qualified to raise an *inimicitia capitalis*, which can only repel a witness, especially in the privileged crime of treason, whereof the detection is of such importance, that many specialities, as to witnesses in other crimes,

high-way: and it is hoped the lords of justiciary will in this case consider the person of the pannel; and seeing the words do not amount to a contrivance, or plotting a rebellion, *rajendus est occasio quæ præbet benignius responsum*; and albeit in a lax and improper signification, these words might import a contrivance, yet the pannel doubts not but the lords will have regard to the proper signification of the words, seeing otherwise it is impossible to interpret the indemnity with that latitude which his majesty hath expressly required.

Whereas it is pretended, that these words do import a contributing to the rebellion, by levying of men or money; it is answered, that levying of men and money is a physical act, and not a moral persuasion; and no man will imagine that levying of men and money, can consist in words, but the same doth necessarily import deeds of drawing men together, and taking of their names in order to the forming them into an army; if words were levying of men or money, an army would be very easily supplied.

As to the former defence against the second libel, viz. that it wants month and year, and there is not the least answer made, and therefore there cannot be least use made thereof.

are relaxed in this, and therefore the promising of an evil turn is not relevant, nor the quality, though they should go to hell for it, which is a rash, foolish, and inconsiderate expression, but they may condescend upon the ground upon which that *inimicitia capitalis* arose, and which may very much determine the extent of it.

2do. Adhering to the former objection, it is added *separatim*, that the witnesses were suborned in so far as they were prompt, solicit, and instigate to depone in this cause against the defender: as also, that they solicited other persons to be likewise witnesses against the defender which the lawyers clearly make a sufficient subornation to cast them from being witnesses, especially when they are to depone upon premeditate and formal words, and after so long a time, as is clear from Mascard. con. 341. and particularly, that he instigated Adam Miller to be a witness against the defender. His majesty's advocate answers, *1mo.* that tampering and soliciting *non-relevant*, unless it take effect, and the witnesses succumb to the temptation. *2do.* It is not relevant, except the money or good deed were condescended upon, that it may be known if it be a sufficient temptation, and upon what account it was given. *3tio.* The subornation or corruption must be by the pursuer, or some having warrant from him, for else even the friends of the pannel may take pains and corrupt, and a witness being desirous to come off may comply with it, all which should much hold in witnesses called for the king, which are presumed to be from calumny, and where no advantage can arise to any private party. As to the speaking to Adam Miller, 'Can thou not say, or knows thou not that Cesnock spake such words.' It is answered, 'It is lawful for *contestes* to ask at one another.' Sir George Lockhart answered, that the objection anent corrupting the witnesses is not relevant, unless the quantity of the money were condescended upon, and that it were expressly alleged that money were given upon the account of delating against the pannel in the terms libelled, otherwise the simple giving of money is not relevant. *2do.* The time must also be condescended upon, whether it was before or after the citation as a witness, or at

least after the raising of the criminal letters, for if it was before, it is not relevant, unless it were positively offered to be proven, that it was given upon treaty and agreement, that the witnesses should depone in the terms libelled against the defender, and adheres to the former answer, that the pursuer nor none for him did use any attempts of corruption. Mr William Fletcher duplies, that subornation and corruption being latent acts which cannot be proven by any other probation than conjectures and *indicia*, all lawyers have sustained such probation which doth arise from violent suspicions, and it is sufficient for the defender to condescend in general that witnesses were suborned, instructed, and solicited, and what money was given, or good deed promised, will arise from the probation; and it is absolutely impossible, that in any such case, the party who objects against the witness can be special as to the quantity of the money; and it imports not, though the witness had been practised before the accusation, seeing it is positively offered to be proven, that they were suborned and corrupted in relation to the pannel, and that they might depone against him. 1684.

This is what I find in the registers as to the lawyers' debates upon the witnesses. By other papers I find that Sir Hugh was asked, if he had any thing to say as to Ingram in particular. He answered with the strongest asseverations, that he was most certain he had never seen him in the face, and as to other objections he left them to his lawyers.

His advocate urged very forcibly, that Ingram could not be admitted, because he just now took upon him to prove, that the said Thomas had several times said, that if there was a way out of hell how to be avenged upon the pannel for delating him as a murderer, he would be revenged, and straight offered witnesses to prove, that in many companies, he (the witness) had most seriously expressed himself in these words; and urged, that Ingram could not be admitted to Cesnock's prejudice, and cited many famous lawyers to prove this. The king's advocate replied, that giving, but not granting, that the said Ingram had thus expressed himself in a passion, it could not ration-

1684. ally be thought, that now in cold blood he would so desperately and wilfully damn his own soul by perjury, to take away the life of an innocent gentleman, especially considering he could propose no other reward to himself than damnation. He added further, 'to make it evident to the world, that the witnesses have no design to swear falsely, I am free to declare, that when they were brought in to me, I examined if they could say any thing anent the late rebellion, and Cesnock's accession thereunto. They answered, they could say nothing; but when once I had made them swear as to what I should interrogate them, they deponed in the same express words contained in the indictment, which, added he, clearly evinceth that they had, and yet have the impression upon their consciences of that dreadful majesty of God, who is judge to this and all their actions: and the advocate goes on, had this man come in voluntarily and offered to depone against Cesnock, it would have said much; but seeing he was brought in by force, and without his own inclination, the objection made against him can be of no force.' This discourse was abundantly well calculate, for keeping Ingram firm to the deposition he had emitted in the precognition, which was all the advocate wanted. Cesnock's advocate was in no difficulty to answer all the advocate advanced. It was the easiest thing in the world to put matters in this channel to serve a turn; and people of no conscience, or under the power of revenge, have no great impressions of damnation, or of God and his awful majesty: and if any who adduced these considerations were privy to any concert and collusion in this matter, they have had as little impression of those tremendous truths. But further, the advocate for the defender offered to prove that this witness was suborned to swear against Cesnock, and had got largely both of money and victual for his reward, and had not only sold himself to this abominable perjury, but had enticed and induced others to the same course. Upon this allegation the justice-general desired, that particulars might be condescended upon. And Sir Hugh declared, that he was well informed, and would instantly prove it, that this fellow (Ingram)

was hired by Hugh Wallace, sometime factor to the deceased lord Craigie. When this condescension was made, the court could not but admit Cesnock's witnesses for the proof of what was advanced. Accordingly, two witnesses were adduced who deponed that Thomas Ingram had sworn in their hearing and presence a great oath, that he would be avenged upon Cesnock if there was a way out of hell to do it. Great pains was taken to cross-question the witnesses, and the interrogatories were put to them severally in the others' absence, yet they exactly agreed in every word as to this matter: but then in another query, viz. 'When spake you of this matter together?' the one answered, 'he does not remember that ever they spake of it together, unless it was yesternight;' and the other declared, 'he did not remember they communed at all upon it.' This inconsiderable variation not affecting the matter of the cause, was handle enough to such who were seeking an occasion to cast every thing proposed in Cesnock's defence. Next, two other witnesses were adduced, viz. Ingram's father and mother, who deponed they had seen Wallace give to Ingram several pieces of money, but of what value they could not tell; whereupon Ingram himself was interrogate, and declared he had got from Wallace half a crown at one time, and ten shillings at another, but he knew not upon what design. The king's advocate said, it might be Wallace had given Ingram that money for some services he had employed him in, and that he himself used to employ the said Wallace as being a sharp man, and very active for his majesty's interest.

After the lords had heard these debates upon the witnesses, they reasoned at a considerable length upon them before they came to an interlocutor. That eminent lawyer, my lord Pitmedden, debated much whether witnesses could be examined upon oath in a precognition, and brought such arguments against this as could not be answered, save by the king's letter allowing it, impetrate with an eye to this and such like processes. My lord himself was pleased to inform me, "that he moved the lords, at least that this might be done since by the king's letter the witnesses

oaths had been taken, that before they were readmitted to swear in the same affair, their former depositions might be torn. But this, for as highly reasonable as it must appear, was peremptorily refused. However, added he, the witnesses in presence of the assize, deponed in favours of the pannel contrary to the tenor of their first depositions, which they were said to have given in the first precognition." At length the lords came to this interlocutor. "The lords having considered the objections against the witnesses, and the debate thereanent, they, in respect of the answers, repel the objection anent *proditio testimonii*, and repel the second defence as to *socii criminis*." And the lords having considered the other objections, and heard the witnesses adduced by the pannel for proving the same, ordain Thomas Ingram and the rest of the witnesses adduced by his majesty's advocate, to be received.

When Ingram was brought in, and holding up his hand to swear, Sir Hugh directed himself to him, and said, "take heed now what you are about to do, and damn not your own soul by perjury, for as I shall answer to God, and upon the peril of mine own soul, I am here ready to declare I never saw you in the face before this process, nor spake to you." Then Ingram was solemnly sworn, and interrogate upon the whole articles of the libel. Several things fell in this witness his examination, which we cannot expect to meet with in the registers. And therefore I shall give the deposition of both the witnesses as they are recorded, and then a larger account of the circumstances from good vouchers before me.

"Thomas Ingram in Borlands, aged thirty-two years, depones, that having met the laird of Cesnock, at Daniel Crawford's house in Galston, in the time libelled, he heard Cesnock ask from whence they came, and Daniel answered, from the west-land party; and that he asked, who commanded them, Crawford said, one Hamilton. And the deponent being interrogate upon the rest of the libel, depones he knows nothing of it. And this is the truth, as he shall answer; and cannot write."

Daniel Crawford depones negatively to the whole libel. And 1684.
this is the truth, &c.

DANIEL CRAWFORD.

"The assize, with one voice, finds the libel not proven."

JO. DALMAHOY.

Thus the process stands in the records, and more we could not look for. But it is worth the reader's while to have the detail of the circumstances of this remarkable examination from the papers above-mentioned. And they inform me, that Ingram deponed, that being in the house of Crawford, Cesnock came to the door, and having called upon the said Crawford, he asked, what men those were who were in his house; Crawford answered, they were men lately come from the west-land army. Then Cesnock asked, who commands there. Crawford answered, one Robert Hamilton. As Ingram was going on in his deposition, one of Cesnock's lawyers asked him, whether he had communicated this to any others, to seduce them thus to depone, and told him, he was now under a deep oath, and nothing less than his soul at stake. Ingram answered, I believe I have spoken of it to severals. Then the justice-general asked, if Cesnock spake any other words to Crawford; Ingram answered, my lord, I am now upon my great oath, and I declare I do not remember he spake any more at all. Upon this there was a great shout, and clapping of hands in the court; at which the king's advocate said in a great passion, that he believed that Cesnock had hired his friends to make this acclamation, in order to confound the king's evidence, and he never heard of such a protestant roar, except in the trial of Shaftsbury; that he had always a kindness for that persuasion till now; that he was convinced in his conscience, it hugs the most damnable trinket in nature. After silence, the justice-general interrogates Ingram again; who answered, he had said as much as he could say upon oath. And the justice-general offering a third time to interrogate Ingram, Nisbet of Craigentenny, one of the assizers,

1684. rose up and said, "My lord justice-general, I have been an assizer in this court above twenty times, and never heard a witness interrogate upon the same thing more than twice; and let Cesnock's persuasion be what it will, we who are assizers and are to cognosce upon the probation upon the peril of our souls, will take notice only to Ingram's first deposition, though your lordship should interrogate him twenty times." The justice-general answered him with warmth, Sir, you are not judges in this case. The laird of Drum, another of the assizers, presently replied, Yes, my lord, we are only competent judges as to the probation, though not of its relevancy. Whereupon the whole assizers rose up and assented to what those said. The justice-general in a great heat said, "I never saw such an uproar in this court, nor, I believe, any of my predecessors before me, and it is not us you condemn, but his majesty's authority.*

Silence being commanded, Crawford the other witness was called in, who being deeply sworn, and no objection being made against him, he deponed negative, "that he did not see Cesnock for a considerable time either before or after Bothwell-bridge; that he does not remember that Cesnock spake any thing to him, either about the west-land army, or who commanded them." Whereupon there was another great cry made, and clapping of hands, which put the justice-general and advocate into a great rage, as what they reckoned an irreverent insulting of the court. Then Cesnock's advocates craved the probation might be remitted to

the knowledge of the assize, which could not be refused. And after a short speech made to them by Cesnock's lawyers, they inclosed themselves, and very soon returned their verdict, not guilty. Upon which Cesnock took instruments, and his advocate craved he might be liberate, in respect nothing was proven against him. The justice-general answered, that seeing he was the king's prisoner, they must have his majesty's mind before he be liberate. Cesnock replied, that he was content, for he was abundantly certain, the guilt charged upon him could never be proven. The court sat late, or rather early, it being about two of the clock on Friday morning before they rose, and Cesnock was returned to prison.

It is very evident upon the whole, there was a design formed to bring this worthy gentleman under a sentence of death, and at least to take his estate from him, though there were few gentlemen less obnoxious to the laws than he. We see that now no methods were boggled at, though never so vile, to accomplish wicked designs. Suborning of witnesses is very palpable in this case; who were guilty is not my province to determine: and the king must be drawn into this affair, by procuring a letter, which we have seen above, ordering precognitions to be taken upon oath by the judiciary; and yet we find in this case they were taken by the advocate alone. It may be proper further to remark, in order to the reader's having some idea of this government, that the justice court, which ought to be most just and fair, and give all allowances in cases relating to men's lives that law and equity suggest, were in this case evidently partial in refusing the relevant exculpation of *alibi*, at the time libelled, in casting Cesnock's witnesses for exculpation, and repelling the most relevant defence propounded upon a trifling circumstance; and in their unaccountable carriage to Ingram when upon oath, and their open endeavours to push him into perjury, so plain, as the assizers, none of them presbyterians nor favourers of the sufferers, could not bear them; and in their hectoring and abusing these gentlemen, for acting as conscientious persons would do. And if those were their methods with gentlemen and be-

* The first witness that was examined at his trial, began with a general story: and when he came to that in which the prisoner was concerned, *Campbell* charged him to look him full in the face, and to consider well what he was to say of him, for he took God to witness, he never saw his face before, as far as he could remember. Upon that the witness was struck, and stopped, and said he could say nothing of him. The earl of Perth was then justice general, and offered to lead him into his story. But the jury stopped that, and said—that he upon his oath, had declared that he knew nothing of the prisoner, and that after that, they could have no regard to any thing he might say. Upon which some sharp words ensued between lord Perth and them, in which he showed how ready he was to sacrifice justice and innocent blood to his ambition; and that was yet grosser in this case, because his brother was promised this gentleman's estate, when it should be confiscated.—*Burnet*, vol. i. 322.

fore lawyers, we may easily guess, how little justice or equity poor simple country people, who could not bell the cat with them, had to look for. And what sad work would we meet with, if we had full accounts of their procedure from one who knew forms and law, and had been a witness to their procedure!

I cannot pass this process without remarking, that several of the assizers, and other gentlemen in the house, were brought to no small trouble for the noise in the court, at Ingram's declaring he could say no more, which the advocate was pleased to call a protestant roar. And indeed so he might, for it was an evidence of the satisfaction of the spectators, at the misgiving of the design of the managers now giving into a popish successor, and tyrannical and arbitrary measures. Several were brought before the council, and by them remitted to crave pardon of the justiciary. I give it as it stands in the criminal books, April 24th. "Appeared Sir Patrick Maxwell of Springkell, Alexander Nisbet of Craigentenny, James Lindsay of Drumbuig, being pursued before the council, for making a noise in the time of Cesnock's trial when the witnesses were examined, and were ordained to appear before this court, and make acknowledgment and apology therefore, which this day they did."

We shall just now hear, that April 17th, Cesnock was allowed free prison. And June 19th, I find by the registers that the witnesses against Cesnock are still in prison, but that day the council allow them free prison; and, for any thing I know, they continued a considerable time in prison: for, September 16th, the council ordain Ingram and Crawford, witnesses against Cesnock, to be examined by the committee for public affairs. The day before, September 15th, they send Cesnock and Mr John Rae to the Bass. October 13th, I find the council order the witnesses against Cesnock to be continued still in prison, and they are allowed sixpence a day. What they expected from these witnesses, or for what ends they were so long detained, I cannot say: only we shall find that Cesnock was afterward forfeited, and his estate given to the crown. In all this matter this gentleman hath nothing relative to the plot laid to his

charge, though that was the alleged cause of his imprisonment. 1684.

I return now to the rest of his fellow-prisoners, as far as I have materials. April 1st, I find a petition presented from the earl of Loudon, who was delated with the prisoners formerly named, bearing, "that he being cited to compear before the lords of the justiciary the eighth of April instant, to answer for alleged crimes contained in his dittay, but being forth of the kingdom at the time of the dittay, and yet is, and in a very sickly and distressed condition, craving that his diet may be deserted, or a competent time, wherein he may appear, granted as they think fit." And April 8th, George lord Melvill petitions much in the same strain. The deliverance of the council as to both, is, "the lords Loudon and Melvill being forth of the kingdom, upon their petition it is recommended to the lords of justiciary to prorogate the day, that they may be in case to find caution or appear." That same day I find from the justiciary records, April 8th, criminal letters against James earl of Loudon, George lord Melvill, Sir John Cochran of Ochiltree, and John Cochran of Waterside his son, were read, as duly executed. I observe very little in them as to the English plot, and when that failed, our managers trump up processes, near five years after the pretended facts upon the head of Bothwell. The criminal letters are too long to be insert. In short, they allege that the earl of Loudon met with some disaffected gentlemen and preachers at Temple-holm near Galston in June 1679, and treated anent the said rebellion, and afterward corresponded with rebels. As to the lord Melvill, it is alleged, that though he was with his majesty's army, June 1679, yet he sent John Miller of Waterhaugh from his majesty's camp, to Mr John Welsh, and other ringleaders of the rebels, with letters, commissions, or verbal orders, giving an account of the strength of his majesty's army, and their numbers, and received returns from them who were concerned in the rebellion. That Sir John Cochran conversed with Mr William Gilchrist preacher, who was in the rebellion, heard him preach after Bothwell, with Mr Robert Miller, at Ochiltree,

that he carried the said Gilchrist to 1684. England with him, that he harboured and reset Mr James Brown, a notorious rebel, actually in the said rebellion. And John Cochran of Waterside is charged, that he did associate himself on the day of June, 1679, to the laird of Barscobe with a party of rebels of five or six hundred, mounted his horse, and rode with them, and supplied them with wine and other provisions. This is the substance of the criminal letters.

The lords being informed that the earl of Loudon is sick and out of the country, and the Lord Melvill likewise abroad, and having a recommendation in their favours, continue the process till November. And November 10th, I find by their books, the earl of Loudon and lord Melvill indicted for contriving the death of his majesty, and his royal brother, and for a design to subvert the government; as likewise their accession to the rebellion 1679, and harbour and reset of rebels: and being this day called, and not compearing, the lords decern and adjudge them the king's rebels and fugitives, and to be put to the horn. And the lords continue the process of forfeiture against them till March 17th next to come. And in their diet April 8th, Sir John Cochran and his son are ordered to be denounced fugitives. And yet next day they have their process before them. April 9th, the lords of justiciary continue the process of forfeiture against Sir John Cochran of Ochiltree till the second Monday of July next. But I have observed no more about him in the registers this year, and go forward to his son.

"Anent the criminal letters, against John Cochran of Waterside, the lords sustain that part of the indictment relevant, that he was with the rebels at Cumnock at a rendezvous when they were in arms, to infer the pains of treason, and remit it to an assize." The assize are, the earls of Dunfermline, Linlithgow, Tarras, lord Duffus, Sinclair, Blantyre, and some gentlemen. And the assize protest for the preservation of their privileges as peers, which is admitted. The witnesses are adduced; and one depones he saw Waterside with the rebels at Cumnock, at the Bar-hill when rendezvousing, but was at

some distance, and did not hear him speaking with Earlstoun and Barscobe. Another depones, that he saw Waterside walking among the rebels, as he thought, with a small sword. Another depones, that Waterside spake for him to the rebels, and got him leave to go home, that he might return again to them. The assize find him guilty of the crime of treason, and the lords ordain him to be executed to death, and demeaned as a traitor, when apprehended.

To return again to the gentlemen sent down prisoners from England, I find, April 8th, "the lords of his majesty's privy council having considered a representation by his majesty's advocate, that in August last, they had ordered him to pursue a process of treason against the earl of Loudon, and the others above-named, and that before his majesty's letter allowing warrant for examining witnesses previously; desiring that warrant might now be granted to the justices for examining witnesses as to these forenamed persons. The lords grant order and warrant for previous examination of witnesses against the forementioned persons, or such of them against whom his majesty's advocate is ready to insist." What was found in this examination I know not, but it would seem nothing of consequence appeared: for, April 17th, the council allow the lairds of Rowallan elder and younger, to be liberate, upon a bond of two thousand pounds sterling, to appear when called; and they permit Cesnock elder and younger, Brunfield, Jerviswood, and Crawfordland, to have the liberty of free prison. Whether the two I am to name were again made close prisoners, I know not; but, September 13th, upon a petition from William Fairly of Brunfield, and Crawfordland, that they have been fourteen months prisoners, and nothing proven against them, craving liberty, the lords allow them the benefit of open prison. This is all I meet with concerning these gentlemen, except Mr Spence, Mr Carstairs, and Jerviswood, whom I come now to account for.

I begin with the severe treatment of Mr William Spence. He had been secretary to the earl of Argyle, and had the testimony from him, when going to the scaffold, that

he had been a faithful servant; he was dealt the more harshly with upon the account of his master. By the council-registers, I find him in the irons, April 22d this year, and it is the first notice taken of him. If he hath been in the irons ever since his coming down from England, it was heavy enough treatment, and I see no ground to suppose otherwise, since that day "the council allow Mr William Spence to be taken out of the irons, but kept close prisoner." Upon the 24th of July, the council make an act for Mr Spence's being examined by torture, and agree upon queries to be put to him in the torture, which the reader hath, as to the substance, printed already with Jerviswood's case, and I shall not swell this work with them. He endured the torture with much patience, and made no discovery to the satisfaction of his examiners. But I cannot but insert here a most barbarous and unprecedented method taken with this good man, next day but one after he had endured the torture, and it is a full proof of the inhumanity of the managers, and a step every way peculiar to this period, not only cruel in its nature, but illegal, since all who write upon torture agree, that the enduring of it purges from suspicion of all crimes; and it is the last trial ought to be made in the most extraordinary cases, and consequently ought not to be repeated, far less changed to a more inhuman and barbarous kind. The best account I can give of this, is by inserting the council's act for watching Mr William Spence, next day save one after his torture.

Edinburgh, July 26th.

"The lords of his majesty's privy council, being certainly informed, and, by missives under the late earl of Argyle's hand, understanding, that there hath been a most treasonable correspondence kept by the means of Mr William Spence, now prisoner in the tolbooth of Edinburgh, between the said late earl of Argyle, and several traitors in England, anent the carrying on of a most unnatural rebellion in the kingdoms of Scotland and England, and thereby to bring the same into confusion, blood, and misery; and the said Mr William Spence

being yesterday tried in torture by the boots, and having appeared altogether 1684. obstinate and disingenuous, and refused to declare thereanent upon oath, (albeit it was declared by his majesty's advocate, in the name of the king and council, that whatever he should say or depone in the premises, should not militate against himself.) The said lords being resolved to use all methods necessary to bring the said Mr William Spence to a true and ingenuous confession, and for expiscating the truth in so important a matter, do recommend to general Dalziel forthwith to call for the said Mr William Spence from the magistrates of Edinburgh, (who are hereby ordered to deliver him to such a party as the general shall think fit) and to cause such of his majesty's forces, officers, and soldiers, as shall be found most trusty, to watch the said Mr William Spence by turns, and not to suffer him to sleep by night or by day; and for that end, to use all effectual means for keeping him still awake, for the effect foresaid; and ordain the persons so to be intrusted, to take peculiar notice in writ, of what the said Mr William Spence shall declare in the premises, to be reported by the general to the council or committee."

Remarks upon this need not be made; they will endeavour first to distemper this good man, and then, if he shall fall into ravery and lose his judgment, they will write down what he says: and whether this be greater cruelty or folly, it goes beyond my power to determine. However, after all this barbarous treatment of Mr Spence, for many days and nights, they got nothing they could make any thing of. I can only add, that August 17th, the council make another, I may say a third, act, for his torture: it seems it was just to force him to petition, as I find he does, and promises to make a free and ingenuous confession of what he knows in this matter, (understanding from his friends, that he was capable of discovering nothing but what the government already had from other hands) upon security given him for his life, and that he should be no further tortured. This they grant. And, August 19th, Mr Spence upon oath makes a declaration, in substance pas-

1684. sing what relates to the earl of Argyll's letters already printed, 'that he does truly believe there was an insurrection intended within those two years; as to what is to come, he cannot tell what the people abroad may be doing; that he had often heard of designs and associations, but that they were directly intended to hinder the duke his succession to the crown, he cannot say; for all that he understood was pretended for the ground of any designs of arms, was the defence of the protestant religion, and liberties of the kingdom; and if against the duke his succession, only in so far as that might be prejudicial to these; and that he thinks, upon the king's death, troubles may probably arise.' 'August 21st, After Mr Spence's declaration, the council, by their act, declare, 'that they fully exoner him of all the premises, and declare, that none of the foresaid letters, nor his testimony, shall be adduced against, or prejudice any person delated by him, nor prejudice him any manner of way; and thereto the lords interpone the public authority of the kingdom.'

PERTH, Cancel.

No more offers from the registers, anent this worthy person; but that after such a complication of unaccountable sufferings, September 13th, the council remove Mr William Spence and Mr William Carstairs, to Dumbarton Castle, and allow them liberty within the walls. The council adjourning till November, many of their members being to go to the country, and to be at circuits, the committee for public affairs manages all in the interval.

I come now forward to give some account of the sufferings, torture, and severe treatment of that truly great and good man, the reverend Mr William Carstairs, this year. This extraordinary person is so well known through Britain, and, I may say, all the reformed churches, for his shining piety, his universal and polite learning, his candour and integrity, having the character of a truly honest man, from that great judge of men king William, and being in providence but lately removed to his Master's joy, leaving behind him a most savoury remembrance of his constant and indefatigable services for Christ, souls, and the good of the church of Scotland, that it is needless for me to say any

thing of him, to those who are now on the stage; but I wish some fit hand would be so kind to posterity, as to give us a just account of this excellent person. The hardships he met with will be a lasting blot upon this period. That I may give as large and yet succinct accounts of his sufferings this year as I can, I shall begin with a letter he was pleased to write to the Author of this History, a very little before his death, which he allowed him to publish, and I promise myself it will be very acceptable to many readers; and then I shall give what I meet with anent him in the registers, and other certain documents. I begin with his letter to me, which was among the last ever he wrote.

"DEAR BROTHER,

"You put me upon a business, which, though it be of that nature that I ought to do something in it, yet it is uneasy to me to think upon it; but I shall give you a very brief account of some of the chief particulars of it, in so far as I remember.

"I was taken at Kenterden in Kent, the Monday immediately after the execution of that great and honourable patriot of his country, my lord Russel. The chief thing which exposed me to danger at that time, was the suspicion they had that I was Mr Fergusson. I was admitted to bail for some days; but so soon as they had a return from court, I was committed prisoner to the common gaol of the place, no bail being allowed to me, though I was accused of nothing but of refusing the oaths, one of which had been then expired by law, viz. the Oxford oath. I continued there for a fortnight, when I was sent for by an officer of the guards, to be brought up to London, which accordingly I was, and committed for two days to the hand of a messenger. During which time, Sir Andrew Forrester came to me in the name of king Charles II. offering me a pardon and all kindness, if I would tell what I knew in that matter. He told me, that the king did not at all believe that I would be concerned in any such practice as the assassination of his person, but because I might hear of it upon occasions, he desired to know if I did; and I gave Sir Andrew such answers as I thought were proper for me in the circumstances I

was in. He very earnestly, yet very civilly, besought me to make a discovery of that plot, as to other things of it. Which shows the falsehood of what was positively asserted in an account given in the name of the king and duke of York, as to that matter; which is, that never any hopes of favour were offered to any to induce them to confess. I was afterward called before a committee of the lords of the council, and not giving them that satisfaction which they expected, I was sent close prisoner to the Gate-house: in which time, I was called twice out to be examined; at one of which, if not at both, was honest and worthy major Holma, who was a prisoner in the Gate-house too, and had been a friend and correspondent of the earl of Argyle, to whom I was desired to give a cypher of names to correspond with, to which I added several with my own hand, which was well known to the earl of Melford, which afterward proved not a little prejudicial to me; for it was found among his papers when he was seized: he also told the lords of the council, that I had told him, that there had been some consultations as to the lending money to my lord Argyle.

"I continued in the Gate-house eleven weeks, close prisoner, looking upon myself as absolutely secure, under the protection of the plain law, of the act of *habeas corpus*, against being sent to Scotland: and therefore I did, in the first of Michaelmas term, petition the court of king's bench, for being brought to my trial, or admitted to bail. But the very day after, I was ordered to be ready for Scotland in twenty-four hours, to be there tried for crimes committed in that kingdom, though I neither was, nor could possibly be guilty of any crimes there, not having been for several years there, but passingly.

"Accordingly I was sent to Scotland in his majesty's kitchen yacht, with several other worthy gentlemen of my country, and was with them committed to the tolbooth of Edinburgh, where I was close prison-

er for several months.* During that time I was only once examined, as far 1684. as I remember: but sometime after, we had the favour of open prison, till some of our great men, who were gone in that interval to court, returned to Scotland, and popish counsels then prevailing there, we were all of us shut up close prisoners again. Mr William Spence, a faithful friend and servant of the earl of Argyle's, was pitched upon to be examined first; and upon refusal to give satisfaction to what was proposed to him, as to the decyphering of some letters of the earl of Argyle, he was put to severe tortures, one after another, in the thumbkins, kept waking for several nights and days, and the boots. At last, finding, as he judged, no great matter if he should decypher the letters, and that no great prejudice would arise, as he imagined, to the earl of Argyle, or his friends, from his doing so, he was prevailed on to decypher them; but unhappily for me, there being several names of the cypher mentioned in that letter, some of which I was expressed by.

course of his rambles through the court, came to the grate of his apartment. As he always loved to amuse himself with young people, he went towards the grate and began a conversation with him. The boy was captivated with the gentle and engaging manner in which he accosted him; and mightily pleased with his first interview, he resolved to cultivate his new acquaintance. In a day or two after, he returned at the same hour to the grate, and in the course of a few visits of this kind, he conceived the strongest attachment to the prisoner—would sit by him for hours, lamenting his unhappy situation, and telling a thousand stories to divert him. He would sometimes load his pockets with provisions of different sorts, and oblige him to partake with him. At other times he would purchase for him pen, ink, and paper; and when he had wrote his letters he would come at night, and carry them to the post-office himself. He was quite unhappy, if Mr Carstairs had no errand to send him, or no favour to ask. This intimacy subsisted so long as Mr Carstairs remained in custody; and when their intercourse was broken off by his release, the separation was attended with tears on both sides. It was not many years before Mr Carstairs had an opportunity of testifying his gratitude. One of the first private favours he asked of king William was—that he would bestow the office of Lord Lyon upon his young friend to whose humanity and kind offices he had owed his chief consolation in his deepest distress; and he obtained this request with the additional gratuity that it should be hereditary in the family. He did not however live long to enjoy it in his own person; and his eldest son forfeited the succession by engaging in the rebellion 1715." *Life of Carstairs by M'Cormick.*—ED.

* "An anecdote relative to his imprisonment ought not to be omitted, as he used to take great pleasure in relating it himself. One day not long after his commitment (to the castle of Edinburgh) a boy about 12 years of age, son to Erakine of Cambo, lieutenant governor, in the

which he did not know, but the earl of 1684. Melford, who was in the government, knew them, from the cypher above-mentioned, wherein were several names writ by my own hand. Upon this decyphering, I was ordered that very evening to be put into the irons, in which I continued for three weeks. In which time the earl of Melford came to me, and earnestly dealt with me to confess what I knew in that matter, and offered me conditions that many in my circumstances would have thought very great, particularly two. That I should not be obliged, after a month or five weeks' time, to answer any questions that should be proposed about that affair, except what I should be myself pleased to say about it; and that nothing that I said should be brought directly or indirectly against any man in trial that I should mention. I do acknowledge these conditions were staggering to me, considering that I could not well see how I should be able to go through a constant torture during my life: however I did resolve through divine assistance to adventure upon the torture; rejecting at that time the conditions which Melford had difficultly obtained for me from the privy council. My reasons were, because I imagined, if I could once endure so severe torture, either the lords of the council would have some regard to my character, and not put me further to torture, or what I suffered might throw me into a fever, and so I might be carried off the world; for I can declare, that death, either by a sentence or any other violence, wherein my own hand was not concerned, would have been welcome to me."

"I was brought before the privy council in England, and some depositions of major Holms and Mr Shepherd were read against me; but neither of them was ever confronted with me, though one of them had been so with some of our countrymen upon that occasion. When I came to Scotland in company with several other worthy gentlemen of my country, and was committed, as I said above, prisoner to the tolbooth of Edinburgh, I was at last brought out about noon to the council, about a fortnight or three weeks after Mr Spence's decyphering the letters, and told by the lords of privy council, that I must either answer upon

oath such questions as they gave me, or go to torture while I breathed. And indeed chancellor Perth had told me a few days before, that I had refused so many singular favours that had been offered to me beyond any prisoner, that before God I should be tortured, and never a joint of me left whole. When I was called in before the council, the declarations of Major Holms and Mr Shepherd were read against me. I told them, that I could say nothing to them, because I had never been confronted with them, which was a plain evidence that they had said things against me, which they would not have had the confidence to have asserted had I been present; but that was over-ruled. Then I was urged to answer upon oath the questions that should be proposed to me. I told them, I would not do that in matters which were looked upon as criminal. They told me, that it should be presently enacted, that nothing that I said should ever militate against me, nor should they inquire whether what I answered were true or false. I said it was a bad precedent, and I was not willing to begin it. Then I was asked, what reasons I had why I should not be tortured. I answered, I did humbly judge that I could not be any ways tried there, for the order, by which I was sent down to Scotland, was express, that I should be tried for crimes committed against the government in that kingdom; and I desired to know if my lord advocate had any thing to charge me with of that nature. He declared, he had not; but that now I was in Scotland, and if I had been guilty of contriving against his majesty's government at Constantinople, I might be tried for it. I told them I thought it was true, but that the crimes I was accused of, were said to be committed in England, where his majesty's laws were equally in force for the security of his government, as they were in Scotland, which at Constantinople they were not. But this was over-ruled, and yet this was a notorious and unjust breach of the law of the *habeas corpus* act, which was made expressly for the security of the liberty of Scots and Irish men. Then they asked me, if I had any further to offer against being tortured. I told them, that I did not pretend to any skill in law,

but that I was informed, that *semiplena probatio* was necessary in order to torture, which was not in my case; for neither the depositions of these at London, nor what was said in my lord Argyle's letters, did amount to any such thing. They told me, presumptions were enough to warrant torture. Then they asked me again, if I had any thing further to say why I should not be brought to torture. I told them, I had only an humble petition to them, that I might meet with no greater severity in my own country, than the laws of that in which the crimes I am accused of are said to be committed, do allow of.

"After this communing the king's smith was called in, to bring in a new instrument to torture by the thumbkins, that had never been used before. For whereas the former was only to screw on two pieces of iron above and below with finger and thumb, these were made to turn about the screw with the whole hand. And under this torture I continued near an hour and a half. In the meantime the torturing by the boot was tried, but the hangman being newly come on, because the former was in prison for some crime, he had no skill, and therefore it was put off till the next day. I do acknowledge I was much afraid I should not have been able to go through with that scene of torture; and if I had not, I was miserable, for I should have been brought to speak against every man they had mentioned, but God ordered it kindly otherwise, and the next day I had conditions offered to me afresh. Now as to the whole of this unpleasant subject, I do declare, that this affair is, so far as I was concerned in it, as to any consultations, no further than to discourse as to what might be proper to be done for securing our religion and liberty, from the dangers that they were then in, without any design against the royal persons of the king and his brother, or the government by monarchy; and that some thing was done among the Scots, as to the sending down a gentleman to discourse upon that head, with some others here. I should be guilty of the most horrid injustice if I should accuse any of the worthy gentlemen of my country that were my fellow-prisoners, or any of the English

dissenting ministers, of having the least knowledge of, or concern in the 1684. abominable assassination of the king or his brother; for I did then, as I do now, abhor such practices, nor can I to this hour tell really what was in that matter that makes such a noise; for nothing in my maimed depositions that are printed, hath any regard to any thing of that nature, except as to what Mr Ferguson and Mr Shepherd did say, for which they alone are to be answerable; and I must also say, that Mr Shepherd did own his abhorrence of such practices.

"And now, brother, I shall conclude what I have to say upon this subject, with the great injustice I met with in being sent to Scotland, in open violation of the plain law of *habeas corpus*, which was only designed to make way for my torture; and the notorious breach of the public faith, as to the conditions that I had, by which no person was directly or indirectly to be mentioned in any trial as to that matter, nor any thing in my depositions was to be adduced against any person, which condition was openly violated, and this is acknowledged to have been so by the late earl of Cromarty under his hand, as is to be found among the records of Parliament. I was indeed earnestly urged to oblige the then king so far, as to appear and answer some questions before the judges when they were set, and that no person should be confronted with me. To which I replied, that the saying any thing before judges when sitting, might be of some consequence, and through God's strength I would rather undergo many deaths than accuse any of these worthy persons. I cannot but also acquaint you, that I think it was a hardship put upon me, to print my depositions as they stood, because they were very lame, since simple answers to the questions are only set down, and neither the question that gave a rise to the answers, nor the just extenuations as to persons and things which I gave in my answers. Which had they been published, it would have been found from what I said, that there could be no reason given why that affair should have been prosecuted with so much cruelty and violence. And having had a liberty from the lords of coun-

oil to go abroad, but was enjoined to
 1684. wait upon the secretaries at London, upon which I told some of our lords, that I was afraid that might have very ill consequences, for if I should be brought before the king, I would say the same things to him in the extenuation of that affair, which I had said to them, which could not justify the methods that had been taken in prosecuting the nobility. But when I came to London, and had waited upon my lord Melford and told him this, he told me, the less the king heard of me or saw me, it would be the better; and that therefore it was his advice to me to go abroad and live quietly, and offered me a pass, which I accepted, and I accordingly went abroad. I am, &c.

“W. CARSTAIRS.”

This letter sets this excellent person's case and sufferings in a due light, and I am only sorry that he had not time and leisure to enlarge upon the base manking of his depositions, and to insert the just extenuating circumstances he was careful to give of every thing; and how these depositions were printed I cannot say, this reverend and candid person declares them miserably curtailed and maimed; and it seems the managers have been sensible of this, and therefore they have not insert them in the registers, but there is a blank for them of two pages. I come now to give what I meet with in the council-records, with relation to this extraordinary person, and I shall likewise intermix some things from other authentic documents before me, which will in some measure help to make up what is wanting in his printed depositions.

Mr Carstairs is not named in the registers of council, after his coming down, till September 5th, and it seems, from August 19th to this day, he had lain in the irons; and now the council, according to the chancellor's threatening in private, come to pass an act in the forenoon *sederunt*, the tenor whereof follows.

Act anent Mr William Carstairs' torture, Edinburgh, September 5th, 1684.

“It appearing that Mr William Carstairs is concerned in the late conspiracy, and there being pregnant presumptions of his know-

ledge of this atrocious villany, to the effect that the whole plot may be known, and the truth expiscated; and having called the said Mr William Carstairs, he would not answer and depone thereanent, albeit it was allowed by the advocate, that what he declared or deponed should not militate against him. The lords of his majesty's privy council considering, that thereby he renders himself most suspect, do ordain that Mr William Carstairs be questioned in torture this afternoon, upon the questions agreed upon in the council, and appoint one of the bailies of Edinburgh to be present, and the executioner.”

Follow the interrogatories to be put to the said Mr William Carstairs, which were read in council, and approved of by an unanimous voté.

“1. Who were the persons, where, and upon what occasion, that did first acquaint you with this conspiracy or association?”

“2. What persons in Scotland or England do you know to have been concerned in the said conspiracy?”

“3. Who were the great managers, or agitators of this intended insurrection?”

“4. Who was to contribute the money to be transmitted to Argyle, to buy arms?”

“5. Where were they to begin the insurrection, and whom did they look upon as most friendly to their cause in the kingdom of Scotland?”

“6. How long have you been acquaint with Mr Fergusson, and how oft have you been in company with him, Sir John Monro, Sir John Cochran, Commissary Monro, Bailie of Jerviswood, and the two lairds of Ceanock, together, and who other Scots or English used to meet with you?”

“7. What was the carriage, or accession to this conspiracy, or any part of it, of Bailie of Jerviswood, the two Ceanocks, Commissary Monro, or any other Scotmen?”

“8. Was the ten thousand pound, or any part of it, remitted to Argyle, or was there any arms bought or bargained for?”

“9. What place in Scotland did Argyle intend to land in, and make a descent?”

“10. What correspondence did Argyle keep with any in Scotland?”

“11. What concern in this conspiracy

had the earl of London, the lord Stair, the lord Melvill, and Sir John Cochran?

"12. At your last being in Holland did you not see or understand, that Argyle conversed or corresponded with London, Stair, and Melvill, as likewise with the English conspirators who had fled to Holland, particularly with the lord Gray, Sir Thomas Armstrong, Mr Fergusson, or Mr Vane?

"13. What letters were those which Holms depones he showed you from Argyle, and what was the contents and design of them?

"14. What was the contents of the letter you carried to Argyle from Holms, by order and direction of the duke of Monmouth, and lord Russel, and what message was it you carried to Argyle from Monmouth and Russel? of this letter you may particularly remember, it being about a month before major Holms was taken.

"15. What persons of consideration were they, who, as you told major Holms, had proposed to raise at first thirty thousand pounds, and some other sum, and at last agreed to remit ten thousand pounds to Argyle, or some sum or other?

"16. What messages were those you came so oft upon from Jerviswood to major Holms and Mr Shepherd, anent that money to be remitted to Argyle?

"17. Did you not see Mr Spence, alias Butler, waiting on Argyle, at your last being in Holland with him?

"18. Are you acquaint with Mr Lenzienson Gore of Kenterden, where you was apprehended at Mr Carteise's house, under the name of Swan, and if he be concerned in this conspiracy?

"19. What do you know of Aaron Smith's being sent down to Scotland, and to whom he was directed?

"20. What do you know of any of your countrymen's transactions with the late Shaftsbury, colonel Sidney, or with the duke of Monmouth?"

In the afternoon the same day, September 5th, the council called and interrogated Mr Carstairs, "If he would now answer the queries upon oath ingenuously. He still shunned so to do, albeit the advocate declared what the said Mr Carstairs depon-

ed should not militate or operate 1684.
against him in any manner of ways
whereunto the council assented. The
council called for one of the bailies of
Edinburgh; and the executioner with the
engines of torture being present, the lord
chancellor commanded the baillie to cause
the executioner put him in the torture, by
applying the thumb-screw to him, which
being done, and he having for the space of
an hour continued in the agony of torture,
the screw being by space and space stretch-
ed until he appeared near to faint;* and
being still obstinate and refractory to de-
pone, the lords thought fit to ease him of
the torture for that time, but certified him
that to morrow at nine of the clock, he
would be tortured by the boots if he re-
mained obstinate."

September 6th, "The lord treasurer-depute, appointed to confer with Mr William Carstairs for bringing him to an ingenuous confession, upon the interrogatories yesterday put to him in torture, reports, that he was content to depone thereupon, and be ingenuous upon the terms mentioned in a paper exhibited by the lord treasurer-depute. Which paper being read and considered, was unanimously voted, and an act made thereupon, and the lord treasurer-depute was authorized to give his word of honour to Mr Carstairs, for performing of the council's part of these articles contained in the paper relating to them, he always performing his part; and he is ordered to the castle, and none are permitted to speak or converse with him, and particularly Mr William Spence is not to be suffered to see him. And a surgeon is allowed him in order to his cure."

All I meet with in the council-books further upon this subject, is, Messrs William Spence and Carstairs are, September 13th, removed to Dumbarton castle, and allowed liberty within the walls. And September 30th, Mr Carstairs is ordered from Dumbarton to Stirling castle, and to be at large

* The instrument by which Mr Carstairs was thus inhumanly tortured is still in the possession of one of his lineal descendants, Alexander Dunlop, Esq. of Keppoch, Dumbarton-shire, the great-grandson of the venerable principal Dunlop of Glasgow.—Ed.

1684. within the walls of it. And immediately after this, upon the foot of the page 517, of this volume, there is a paper pinned to the leaf, upon which is writ as follows. "The lord Lundin secretary of state, as commissioneate in the act above, did send in the underwritten certificate to the clerks of council, dated at Barnton October 1st 1684, the tenor whereof follows. Whereas his majesty's honourable privy council authorized me upon the terms mentioned in the foregoing act, to be fulfilled by Mr Carstairs, to promise upon my word of honour, to procure him the conditions and indemnity therein mentioned; these are therefore to testify to all concerned, that the said Mr Carstairs hath fulfilled his part, by answering upon oath all questions proponed to him preceding this day. In witness whereof these presents are subscribed.

"DRUMMOND."

"In obedience to which act and certificate, the clerks of council delivered to the said Mr William Carstairs the act of council, of the date of the sixth of September." And then in the register there follows a blank for two pages in folio. Whether this was left to be filled up with the deposition of the Reverend Mr Carstairs, and its being printed in so lame and maimed a manner prevented its being filled up, or, after it was printed in so unfair a manner, that they were ashamed to insert in the registers a just copy of his deposition, with the circumstances and extenuations he gave upon oath, or what the occasion was, I cannot determine; but thus it stands in the council-books, and I find no more with relation to him.

That I may give the reader all I have further concerning Mr Carstairs, I shall add an account given by himself in a letter to his friends at the time of his depositions, for preventing, as he tells them, of lying aspersions upon himself, and satisfying them as to his conduct in this matter. The reader will observe, that the council, in their act of the sixth of September, deal not so fairly as to insert the paper of conditions agreed to by their delegate and Mr Carstairs, which they ought in justice to

have done, seeing these conditions were so unanimously approved: and, as I hinted before, they record nothing of what passed at his examination, September 8th. It is the more necessary I insert the conditions Mr Carstairs obtained before he would give his declaration upon oath, as to the interrogatories above named. In his present circumstances, and after he had gone through the torture, he essayed to get the best conditions possible, that any thing he should say should do no harm to others, and by his candour, precaution, and prudence he obtained from the secretary the following conditions which were signed by them both, and, upon the public faith of the kingdom pledged in them, he prevailed with himself to give his deposition.

Conditions Mr Carstairs had, Edinburgh castle, 1684, under the secretary's hand.

"That Mr Carstairs answer all interrogatories that shall be put to him, betwixt and the first of October next, upon his great oath. The which being done, he shall have his majesty's full pardon and remission, for his life, limb, fortune, estate, and fame. That he shall never be brought as witness against any person or judicatory, directly or indirectly, for any thing contained in his answers. And further, that the said Mr William Carstairs shall never be interrogate in torture, or out of the same, concerning any thing preceding the date of this paper, after the day above-mentioned, except he himself shall be delated as accessory, and that accession to be after the date of this, or his remission. And whereas the council, upon the considerations abovenamed, hath, by their act September 6th, authorized me to give my word of honour, and solemn promise, that so soon as the premises are fulfilled by Mr Carstairs, I shall deliver him the council's act in those things, and in a convenient time thereafter, not exceeding a month, his majesty's pardon, in ample form, above expressed: therefore I, by my promise, give my faith to Mr Carstairs, in manner above expressed, time and place above said."

His depositions, without his knowledge, and to his grief, and scarce agreeable to

these conditions, were, in a few hours after they were made, printed by the managers, and crying in the streets of Edinburgh. Mr Carstairs' conduct was singular, and such unfair dealing never entered in his mind, otherwise he would have taken care to prevent it, if conditions would have bound those people, as indeed they did not. These printed depositions are lame, maimed, and unfair, as we have seen Mr Carstairs declaring, and therefore I shall not reprint them again; they are in every body's hand, and have been too often printed already. It was yet a great deal worse in the advocate, to adduce the printed copy as an adminicle in Jerviswood's trial; and the reason he gives there for this, is but mere juggling, that though it was capitulate, he (Mr Carstairs) should not be adduced as a witness, yet it was agreed, the depositions should be published. If the advocate mean any agreement among the council, it is perfect juggling; if he mean an agreement with Mr Carstairs, that worthy person, while alive, still disclaimed this: and we see it is far from being in the conditions, but rather the plain contrary; for it was a poor matter to Mr Carstairs, not personally to be adduced as witness. If his declarations emitted were to militate against others, he reckoned he was made a witness; and this was certainly an indirect making him a witness: and it appears most evidently from Mr Carstairs' own letter, that one condition offered him was, 'that nothing he said should be brought directly or indirectly against any man in trial.' And when he was solicited to appear before the judges, his answer was, 'he had rather undergo many deaths, than accuse any of those worthy persons.' So that upon the whole, I cannot but suspect that article in Jerviswood's printed trial, page 23. where Mr Carstairs' depositions are said to be renewed upon oath, the 22d of December, in presence of his majesty's privy council, as being directly contrary to the second and third conditions granted him. I find nothing of it in the council-registers.

Many reports were spread, and lying stories told, as if Mr Carstairs should have spoken many things to the disadvantage of the noblemen and gentlemen about whom

he was interrogate; which, with what fell out in Jerviswood's trial, 1684. grieved him exceedingly, and he wrote a letter to his friends about this time, from which I shall give a few more hints, passing many things already noticed, and with them end my account of this worthy person.

"He testifies his abhorrence of any design against the king or duke's life; that all his countrymen with whom he spake, were free of any design against the king or government, and that he frequently told the lords who came to him, this whole affair upon which he was questioned, amounted to no more than talk, without so much as any formed design, and even talking was much broke off, before the discovery of the plot. He showed them how unwilling he was to bring any man to trouble, and that it could not but be very grievous to him, to be forced to speak of any who had trusted him as a friend, especially when the business never came to any bearing, or to that height as to be any way prejudicial to the government. "As to the objection made against him, that he had been so particular in his confessions, he says, that could not be escaped, his interrogatories were so particular, and he upon oath." We have before noticed, how his extenuations were omitted; he adds, "that he had declared as to my lord Melvill, his great aversion to be any way concerned in that affair; and so fair was he, that he acknowledged he himself was the person, who, with difficulty, prevailed with my lord, to come to the meeting. As to old Cesnock, he said, he was a man so cautious, and of so few words, they knew not what to make of him; that his son was much upon the reserve; that he had nothing to say of the lord Stair, and did not think he had any knowledge of their meetings, and that he had never spoke with him upon that head: he commended Mr Stuart much for his peaceable temper, and acknowledged his correspondence with him. "That he had never conversed with the duke of Monmouth, and what was in Holms' declaration was a mistake; and, for any thing he knew, the duke rather discouraged as encouraged the affair; that Mr Carstairs was much a stranger to the methods in Scotland as

to this business, and could give no
 1684. account of any ministers engaged in it. He commended Langshaw as a person very much for moderate measures, and addressing the king anent grievances: all this and much more, he says, he signified to the lords of the committee present. In the same letter he regrets, that his depositions were read in the criminal court, and says, that he was so far from knowing of it, that upon hearing of it he went and waited upon some of the lords of council, and represented his deep concern on that account, and complained of it as a breach of their conditions with him; and that the chancellor (upon reading the conditions) owned before the treasurer and others of the counsellors, that what was done, was indeed a breach with him, an inadvertency, though without any design in the advocate; that the advocate himself, when Mr Carstairs waited on him, declared he was indisposed when the council transacted that affair, and did not fully know them. Whereupon Mr Carstairs gave him a copy of them, signifying to his lordship, that he expected the faith given him should have been kept, and he hoped any thing he had confessed should never be heard of any more in public, against any man: and the rather, that when he was called from Stirling castle before the lords, they used many arguments with him, to give a general account before the justice-court, of the substance of his confessions to them; yet he signified his utter aversion to it, as what would be a witnessing against all whom he mentioned. And the lords were pleased to tell him, they would rather die than break conditions with him; which he depended upon. Those things Mr Carstairs desires in his letter, may be used for the greatest advantage of all concerned; and says, it was declared by the lords, and believed by him, that what he discovered was for their private satisfaction, and not at all to militate against any; and adds, the nature of the thing declares so much, since the interrogatories propounded to him were such as could not well be proposed in a criminal court, and answered by him in a way he could not well have answered them as a witness, and in a way of proof, and that the lords still assured

him they would keep their promise to an 'ace.'

Thus much I thought necessary for the just vindication of the memory of one to whom the church of Scotland are under obligations, whose character is so universally known, and savoury for every good thing, that I say no more of him. The people of this time knew his character, and therefore they were so hard upon him when in their clutches; and, by breach of condition, adduce what he had said in Jerviswood's process, as what they imagined would be of great weight, coming from Mr Carstairs.* This is all the reason I have for insisting so long in setting this great man's sufferings in their due light, and come now forward to those of his dear friend and fellow sufferer.

Mr Robert Bailie of Jerviswood, with whose sufferings I shall end this section, was a gentleman who had the testimony of some of the greatest men of this age, whom

*“ Mr Carstairs is a presbyterian clergyman, who fled from Scotland, after the insurrection for religion in the reign of Charles II. He was taken prisoner in England upon suspicion of being concerned in the intended insurrection for which lord Russel and Algernon Sydney suffered, and was sent down to Scotland where he underwent a torture. He afterwards retired into Holland and came over at the revolution with the prince of Orange. He contracted when in Holland an intimate friendship with the earl of Portland; (William de Bentinck then a private gentleman;) and was in great favour with the prince, who on the revolution made him his chaplain for the kingdom of Scotland, and gave him the revenue of a bishoprick for his salary. He attended king William in all his campaigns, who allowed him £500 each for his equipage. As the king committed the government of Scotland to lord Portland, as his ostensible minister, so that nobleman devolved it on Mr Carstairs, all offices of state and other employments being disposed of by his influence. Indeed few Scotmen had access to the king, but by him; so that he was properly viceroy of that kingdom, and was called at court *cardinal Carstairs*. The queen continues him in office, but he does not concern himself so much in public affairs.” See Carstairs' state papers, p. 98. This and all other characters quoted in this work from that publication, was taken from a manuscript in the library of the earl of Hyndford, supposed to be written in 1704; author not known.

Mr Carstairs was in 1704 admitted principal of the university of Edinburgh and professor of divinity, and soon after was called to be one of the ministers of that city. In 1705 he was moderator of the general assembly, and again in 1708, 1711, and 1715, and died on the 28th Decr. that year. Few clergymen in the Scottish church have been more respected than Mr Carstairs.—Ed.

I could name, for one of the best of men, and greatest of statesmen, and so was a very proper object of the fury of this period, and could scarce escape the rage and malice of the duke of York, and such as were with him carrying on the plot against our religion, reformation and liberty. Indeed he fell a sacrifice for our holy reformation; and received the crown of martyrdom, upon the account of his zealous appearances against popery and arbitrary power. I can never consider this great man, and several others in this and succeeding years, of the most judicious and notable of our martyrs, neglected of design by the collectors of the Cloud of Witnesses, but I must blame their private and party temper. Jerviswood's trial was published by the managers, and I may perhaps make some remarks afterwards upon it. - I shall here give some few hints I meet with in the records, with relation to him, when before the council, of which there is nothing in his printed trial. Through his long confinement, and harsh treatment when in prison, this good man turned very sickly and tender; and it was reckoned almost certain by all, that had the managers spared this gentleman a few weeks longer, they would have been rid of him by a natural death, and escaped the indelible blot of inhumanity and barbarity to so excellent a person. He was evidently a dying when tried before the justiciary, and was obliged to appear in his night-gown before them, and scarce able to stand when he spake; and yet he was kept in the pannel for ten hours, and behaved to take cordials several times; and next day he was carried in a chair, in his night-gown, to the scaffold.

By the council-books, I find, August 18th, "the lady Jerviswood is, upon her petition, allowed to see her dying husband, with the physicians, but to speak nothing to him but what they hear and are witnesses to." I am of opinion this low state of his health put the managers at first off the design of processing him criminally; and to secure his estate, while he is dying a natural death, brought on by their maltreatment, they raise a process in order to fine him to the value of £6000 sterl. Thus, August 30th, the council order the advocate to pursue

Jerviswood, for resetting, entertaining, and corresponding with rebels; 1684. and, as far as I can find, he was not able to appear before the council when they passed a decret against him, only he ordered his advocate to appear for him. Accordingly, September 4th, the council pass their decret fining him in six thousand pounds sterling. The decret is very long, and would take up too much room here. In short, it narrates the libel given in against Jerviswood, which consists mostly of the articles of his printed indictment, upon which afterwards he suffered, and a charge of his converse and intercommuning with the persons who will just now come in; and then the libel is referred to his oath, which he refusing, they pass sentence. The sum of all is this: "The lords of his majesty's privy council, having heard and considered the foresaid libel, and the interrogatories given in by his majesty's advocate, in order only to an arbitrary punishment, to which his majesty's advocate restricted the libel *pro loco et tempore*, and reserved the other articles of the libel to be pursued as law accords; and the council having appointed a committee to examine Mr Robert Bailie of Jerviswood, upon the said interrogatories, the tenor whereof follows. *1mo.* Did you harbour or intercommune with Mr Samuel Arnot, Mr Gabriel Semple, Mr David Hume, Mr George Barclay, Mr William Gilchrist, Mr Alexander Pedin, Mr John Hepburn, Mr John Rae, Mr James Kirkton, Mr Alexander Lennox, Mr David Jamison, Mr Thomas Douglas, Mr Alexander Moncrief, Mr John Welsh, Mr Richard Cameron, Mr Donald Cargil,

Denholm of Westshiels, Stuart of Cultness, James Stuart his brother, Mr Thomas Pellings, John Wilson in Lanark, Mr John Menzies of Hangingshaw, Michael Lamb in Lanark, David Barclay surgeon in Edinburgh? *2do.* Did you reset Alexander Tweedie your gardener, after Bothwell-bridge? And the said committee having gone to the tolbooth, and desired the said Jerviswood to answer upon oath to the said interrogatories, and he having refused to depone, the said lords do hold him as confessed, and guilty in regard of his refusing to depone, reserving to his majesty's advocate to pursue the other

1684. crimes libelled, and whereof the said Jerviswood is now holden as confessed, as law accords, and have fined, and fine the said laird of Jerviswood in the sum of six thousand pounds, sterling money, for the crimes whereupon he is holden as confessed, to be paid to his majesty's cash-keeper for his majesty's use. Which sentence was intimated to Mr Walter Pringle his procurator."

We shall hear more just now of such unaccountable fines imposed upon gentlemen, to the real value of their estates, but in a little time the managers go on to hunt for his precious life. September 10th, the council give orders to remove the lady Graden his sister, and the lady Jerviswood from his room in prison, they being informed he is recovered of his indisposition. We shall find this was but a very slender recovery, and that afterwards he grew worse, in part, no doubt, from his being deprived of the care of these excellent ladies; and November 6th, the lady Graden is allowed to be close prisoner with Jerviswood, because of his valetudinary condition.

He continued in prison still weaker and weaker, till December 18th, when I find the king's advocate is ordered to pursue a process of treason and forfeiture, against Mr Robert Bailie of Jerviswood, to morrow at two of the clock, and Sir George Lockhart of Carnwath, and Sir John Lauder advocates, are appointed to concur with the king's advocate in the process. I need not again remark, that this was to prevent Jerviswood's employing them in defence of his just rights. However, the time was exceeding short, and therefore, though it seems to be yet the more straitening to him, the libel and indictment were not put in his hands till the 22d. Upon the 23d of December, Jerviswood gives in a petition to the council, showing, "that only yesterday he received an indictment of treason at eleven of the clock, to appear before the justiciary this day at two of the clock in the afternoon, which is so short a time, that the petitioner has got no lawyers consulted, nor time to raise his letters of exculpation for proving his defences and objections against the witnesses, as is allowed by the act of regulation, and the ordinary time in such cases is fifteen days; and the petitioner at

present being so sick and weak, as he is not able to come over his bed without being lifted, as appears by the testimony of physicians; wherefore he humbly supplicates, that the council may prorogate the diet to some competent time, and allow him lawyers, viz. Sir Patrick Hume, Mr Walter Pringle, Mr James Graham, Mr William Fletcher, Mr James Falconer, and Mr William Bailie." The council refuse to prorogate the diet, "but grant him the advocates he seeks, and allow them to plead without hazard, they containing themselves in their pleadings in the terms of law and loyalty, as they will answer at their peril."

This is all I meet with in the council-books concerning Jerviswood. I shall now give the reader an abstract of this excellent person's trial, from the justiciary records; the principal papers being already printed, I shall only give the substance of them. Upon December 23d, when, as I have already remarked, this worthy gentleman was in a dying condition, and could not have lived many days, he was carried in before the justiciary, where his indictment is read, bearing, "that notwithstanding conspiring to overturn the government, or concealing and not revealing any treasonable design, project, or discourse tending thereto, or assisting, aiding, or abetting such as have any such designs, infer the pains of treason by act 3. parl. 1. Jam. I. act 37. parl. 2. Jam. I. and 144 act, parl. 12. Jam. VI. and act. 1. sess. 1. parl. 1. Char. II. and act 2. sess. 2. parl. 1. Char. II. and act 2. parl. 3. Char. II. Nevertheless the pannel traitorously designed to debar his royal highness his majesty's only brother, from his right of succession; in order to which he endeavoured to get himself elected one of the commissioners for settling a colony in Carolina, that he might thereby have better access to treat with the earls of Shaftsbury, lord Russel and others, who had entered into a conspiracy in England against his majesty's person and government, and with colonel Rumsay, Walcot and others, who had conspired the murder of the king and his brother, and went to England himself to push forward the people of England, who, he said, did nothing but talk; and after he had settled

a correspondence here, did transact with the said conspirators to get a sum of money to the late earl of Argyle a declared traitor, for raising a rebellion, and did chide the English conspirators for not sending it seasonably. And among many other meetings at London, January, February, March, April, or May, 1683, for carrying on the said traitorous design, had one in his own chamber, where were the lord Melville, Sir John Cochran, Cesnock elder and younger, with Mr William Veitch a declared traitor, and did treat of sending the foresaid money, and the Scots upon attempting any thing for their own relief, their getting horse from England, and sent down Mr Robert Martin from that meeting, to prevent any rising in Scotland till it should be seasonable. Which Robert did treat with Polwarth and others, about securing the officers of state, castles, and forces in Scotland, and putting their associates in readiness to assist the earl of Argyle. That he did correspond with Fergusson, Armstrong, Rumsay, and Walcot, who were privy to the horrid part of the conspiracy: at least he corresponded with the late earl of Argyle, and Mr William Veitch, declared traitors, wherethrough he was committed, and is guilty of the crimes of high treason and rebellion."

Jerviswood's advocates pled, that he ought not to pass to the knowledge of an assize, because he had not gotten a citation of fifteen days, and was precluded his exculpation; and by act of parliament, all pannels before the criminal court are allowed to raise precepts of exculpation, which supposes a competent time, not here allowed. This the king's advocate, in his criminal, title Of Libels, allows, and the lords decided it in the case of Robertson 1673, who albeit he got his libel in prison, by an interlocutor behoved to have fifteen days. The advocate opposes the constant tract of decisions, and says, that act of parliament is only in cases where a summons or libel is to be raised; but here there is only an indictment, nor was exculpation sought before the trial, which is the case in the act. However it is plain, decisions can never prove any thing against law. And Jerviswood, as we heard, petitioned for exculpation: yet the lords repel the defence for the reasons given

by the advocate. It was further alleged for Jerviswood, that the har- 1684.
boursing, entertaining, and intercommuning with the persons named is *res hactenus judicata*, and the pannel already fined by the council in a vast sum upon that account. The advocate restricts his libel to the pannel's entering into a conspiracy for raising rebellion, and for procuring money to be sent to the earl of Argyle, and concealing, and not revealing this. It is replied, that Jerviswood's corresponding with Argyle at any time since his forfeiture, was expressly propounded as an interrogatory before the council, and that not only by himself but likewise by major Holms, Mr Carstairs, West, Shepherd, Rumbold, and Rumsey, and refers it to a double of the act of council writ by the clerk's servant, and to my lord advocate's oath, and as to Mr Veitch, he was not declared rebel. Sir John Lauder for the king, opposes the council decree, where no such interrogatory was put to the pannel, which must bear more faith than any scroll, and cannot be taken away by his majesty's advocate's oath, to the king's prejudice; and adds, Mr Veitch was forfeited 1667, and 1669: the forfeiture was ratified in parliament. To this it is replied, that he does not appear to be the person named in the act of parliament, and though he were, he came home since, and all the punishment inflicted on him, was banishment, not to return under pain of death, which took off any former punishment, and it was no crime to intercommune with him, especially in another kingdom; and by the act of council 1683, the conversing with declared traitors is restricted to arbitrary punishment. The advocate opposes the doom of forfeiture, and the proclamation of council.

The lords sustain the libel, as restricted, relevant, and repel the defences, and the assize are sworn; and for probation the earl of Tarras is first adduced, against whom Jerviswood's advocates object, that he is *socius criminis*, and by 34 cap. stat. 2 Rob. I. and likewise under an indictment of high treason, and being under the impressions of fear and death, ought not to be admitted. The advocate answers, that in conspiracies *socii criminis* have still been admitted, be-

1684. cause no other witnesses can be had, and the earl hath not, and never sought any security for his deponing. The lawyers for the pannel reply, the statute of king Robert stands in full force, and *ubi lex non distinguit, non est distinguendum*; besides, the earl is incarcerated for the same crime, and under an indictment of high treason hath thrown himself upon the king's mercy, and cannot be witness, seeing the king may give him his life or not, and in such circumstances a witness was never admitted. Yea, the earl of Tarras is to be considered as condemned for the crime of treason, seeing he fully and amply confessed the crime, and never any body allowed, that *damnatus criminis læsæ majestatis*, could be admitted as a witness, for which he adduceth many lawyers. Sir George Lockhart for the king opposes, that *socii criminis* are admitted witnesses in *omnibus, criminibus exceptis*, which is agreed to by all lawyers; and that the earl of Tarras hath submitted to the king's mercy, is no more but *socius criminis*; and if this objection stood, conjurations of treason could never be proven. Another of Jerviswood's lawyers repones, that there are some objections competent against witnesses, even in *criminibus exceptis*, for example, that he is a capital enemy, and *sub potestate accusatoris*, and so the earl of Tarras is by his submission and confession; and he having submitted his life and fortune to the king, is in the case of a witness, who absolutely depends upon his majesty's advocate the pursuer, and in a private process *testes domestici*, and such as entirely depend on a person, will not be admitted; and as to the argument, that at this rate the guilty person must escape, the answer is plain, his majesty's advocate might have pursued the pannel before he had pursued the witness; but now the terror of a process of treason cannot but have influence on him as a witness. In short, they urged that none under *infamia juris* can be admitted, no more than a person convict and condemned, even in the case of treason; but the earl is materially convict, when after an indictment he confesseth; and never a lawyer asserted, that a person convict of treason could be admitted a witness.

These reasonings were so strong, that the publisher of Jerviswood's process takes notice on the margin, as if he had been conscious the earl ought not to have been admitted, that he depones nothing different from the other two witnesses, who deponed the same things against the earl, for which he was forfeited, so that there could be no ground of suspicion from his circumstances, which might be easily answered. This might be a laid and concerted thing, and I doubt not but it was; and since the earl was convict by confession, there was no need of witnesses, but *ex abundanti* to colour the design the better.

However, the lords repel all objections, and call the earl as a witness. His deposition, and that of commissary Monro, Philiphaugh, and Gallowshiels, have been more than once printed, not only in Jerviswood's process, but in Sprat's history of the Rye-house plot, and I shall not here enter on the detail of them. They prove that Jerviswood being in hazard, as all the nation were, of oppression, after the unaccountable decision in Blackwood's case, went up to London, and did speak and talk anent methods to bring in the king to exclude a popish successor; and that they discoursed likewise upon money to be sent to the earl of Argyle, and Mr Martin in May 1683, came down to Scotland with some proposals to the earl of Tarras, Philiphaugh, Gallowshiels, and some others, to engage them to a rising, when England rose for the security of the protestant religion; but as to a design against the king's life, nothing of that was known to any of them. Most part of them relate to the plot, as it was called, and design then in hand, and very little militates against Jerviswood in particular. They all adhere judicially to their depositions made before the lords of the secret committee.

As an adminicle of probation, the advocate produces the printed copy of Mr Carstairs' deposition, and the clerks depone they collationed the printed copy with the original, and the lords ordain it to be taken in as an adminicle; and they give it a title very injurious to Mr Carstairs, and contrary to their own conditions granted him. 'The deposition of Mr William Carstairs,

when he was examined before the lords of the secret committee, given in by him, and renewed upon oath, upon the 22d of December 1684, in the presence of his majesty's privy council.' This looks as if Mr Carstairs had voluntarily renewed his deposition, December 22d, with an eye to his dear friend, Jerviswood's trial now coming on, than which nothing is more injurious to this worthy person. The matter was this, as appears by what is above inserted, and the account that reverend and singular candid person gave me more than once in conversation. Mr Carstairs was their prisoner, and he is brought into town a few days before Jerviswood's trial, and dealt with most earnestly to be a witness against Jerviswood, which he rejected with abhorrence, and put them in mind of the conditions granted him, and the breach of faith in this proposal. He was again urged but to appear before the lords of justiciary, and own judicially that he had emitted the depositions signed by his own hand, at a time when Jerviswood was not present; he told them, he would suffer any thing before he would do so mean a thing. Mr Carstairs was positive, that as far as he could mind, he was never before the council; but when dealt with by the chancellor, Queensberry and some others, and had flatly refused the two former proposals, the original papers signed by him in the castle being produced, he did own what he could not get by, that those were his subscriptions, and put them in mind of the conditions upon which he had made those declarations, and expected they should not be brought against any person, as they had promised, and so left them. And this is all that was attested by the chancellor, Queensberry and the rest; yet they were sustained as an adminicle. Shepherd's and Burn's declarations were produced, and this was all the proof.

Before the assize inclosed the advocate had a most bloody and severe speech to them, wherein every thing is stretched to the uttermost against the pannel. I shall not insert it here since it is already published. In short, he urges the appointment of a thanksgiving, for the discovery of the conspiracy, through the nations, the practice of the judges in England, who found

proof enough to forfeit some of all ranks, and insists upon the witnesses 1684. being Jerviswood's relations; and if he be not punished, no man can; the conspiracy is a cheat, the king's judges murderers, and the witnesses knaves, and such as have died, martyrs. He goes on to aggravate the designed invasion and civil war which would ensue, and most calumniously insinuates, that the pannel was privy to Burn's design to kill the king: whereas the reader will observe in Burn's deposition, that Jerviswood was with them merely about the money to be transmitted to Holland. He reproaches him with being nephew and son-in-law to the lord Wariston, which, I believe, Jerviswood reckoned a great honour and happiness, and alleges he was ringleader in Scotland, and guilty of treason as much as Blackwood, whom he might have been ashamed to mention.

Then the probation is summed up with much cunning, and many stretches. Among other things he alleges Mr Carstairs' friendship for Mr Bailie, as an argument of the truth of his deposition, which was emitted when he knew it was to be used against Jerviswood. After what hath been narrated, the reader will very much question the truth of this, Mr Carstairs provided expressly against it, and unless he knew the people about him to be faithless and villainous, he could not know this. He insists again upon the clearness of the probation, that Jerviswood was accessory to Argyle's design of invading his country, and adduces Rathillet's case, wherein he says, there was but one witness, and that of two men before the circuit at Glasgow, against whom there were no witnesses of their killing two of the guard, but only their not disclaiming the guilt, and putting the court on proof; and urges Duchal's case, and says, if a gentleman was lately found guilty of high treason, by the opinion of all the lords of the session, for not revealing that Sir John Cochran sought fifty pounds sterling from him, though he refused the same, and though he believed it was sought for a charitable subsistence, what deserves this pannel who sought thirty thousand pounds sterling? thus we see precedents made of their own iniquitous and unpre-

cedented practices. The advocate
1684. closes all by showing, he insisted not so much upon this probation to convince the assize, as the world, that there was a conspiracy; and indeed this speech seems contrived on purpose to stretch every thing against Jerviswood.

I wish I could give as good an account of the moving speech Mr Bailie had to the inquest, and the home thrusts he gave the advocate; but I can only say, he appealed to the advocate's conscience, whether he was not satisfied as to his innocence, and had not owned so much to himself; which the other acknowledged, but added, he acted now by order from the government; and to the advocate and judges, he, like a dying man, most pathetically disclaimed any access to, or knowledge of any design against the king or his brother's life; but added, if his life must go for his essays to prevent a popish succession, he owned them, and heartily parted with his life as a testimony against a papist's mounting the throne.

When all this is over, the assize are ordered to inclose, and bring in their verdict to-morrow by nine of the clock; which was done, and is as follows. "The assize in one voice finds the crimes of art and part in the conspiracy and plot libelled, and of concealing and not revealing the same, clearly proven against Mr Robert Bailie the pannel, in respect of depositions of witnesses and adminicles adduced.

"STRATHMORE, Chancel."

Upon the opening of the verdict, "the lords decerned and adjudged the said Mr Robert Bailie of Jerviswood, to be taken to the market-cross of Edinburgh, this 24th day of December, betwixt two and four in the afternoon, and there to be hanged on a gibbet till he be dead, and his head to be cut off, and his body to be quartered in four, and his head to be affixed upon the nether-bow port of Edinburgh, one of his quarters on the tolbooth of Jedburgh, another on the tolbooth of Lanark, a third on the tolbooth of Ayr, and a fourth on the tolbooth of Glasgow, and ordain his name, fame, memory, and honours, to be extinct, his blood to be tainted, &c. as in

common form; which was pronounced for doom."

Thus this saint of God is hasted away to his Father's house. In two days' time they begin and end his process, and executed him as if they had been in fears of being prevented by a natural death. His carriage was most sedate, courageous, and christian, after his sentence, and during the few hours he had to live. And at his execution he was in the greatest serenity of soul possible almost for a person on this side of heaven, though extremely low in his body. He prepared a speech to have delivered on the scaffold, but was hindered. Under the prospect of this he left copies with his friends, and it deserves a room here, as containing a short and distinct view of his case.

The last speech of Mr Robert Bailie of Jerviswood, who died at the cross of Edinburgh, December 24th, 1684.

"Having received such usage as I have done, and having got so short time, it cannot be expected from me in reason that I should say much. Only for my own vindication, and the vindication of my religion, I do testify and declare in the sight of the omniscient God, and as I hope for mercy on the day of Christ's appearance, that I was never conscious to any conspiracy against the life of his sacred majesty, or the life of his royal highness the duke of Albany and York, or the life of any other person whatsoever. That I was never conscious to any plot in any of the nations, for the overthrow and subversion of the government; and that I designed nothing in all my public appearances, which have been few, but the preservation of the protestant religion, the safety of his majesty's person, the continuation of our ancient government upon the foundations of justice and righteousness, the redressing of our just grievances by king and parliament, the relieving of the oppressed, and putting a stop to the shedding of blood. As for my principles with relation to government, they are such, as I ought not to be ashamed of, being consonant to the word of God, the confessions of faith of the reformed churches, the rules of policy, reason, and humanity.

"I die a member of the church of Scotland, as it was constitute in its best and purest time under presbytery, judging that form of government most conducing to piety and godliness, and most suitable for this nation. I die a hater of popish idolatry and superstition. The faint zeal I have had against popery, and for the preservation of the protestant religion in this nation, hath brought me to this condition. I am very apprehensive popish idolatry will be the plague of Scotland. God open the eyes of his people, to consider the hazard they are in of popery. It seems the generation is fitted for it, and all the engines of hell have been made use of to debauch the consciences of people, that they may be fitted for idolatry and superstition. Men are compelled to take contradictory oaths, that they may believe things that have a contradiction in them.

"I know I will not be allowed to speak what I would, and therefore I will say little. I bless God this day, that I know whom I have believed, and to whom I have committed my soul as unto a faithful keeper. I know I am going to my God and chief joy. My soul blesseth God and rejoiceth in him, that death cannot separate betwixt me and my God. I leave my wife and children upon the compassionate and merciful heart of my God, having many reiterated assurances that God will be my God, and the portion of mine. I bless and adore my God, that death for a long time hath been no terror to me, but rather much desired; and that my blessed Jesus hath taken the sting out of it, and made it a bed of roses to all that have laid hold on him by faith, which worketh by love.

"My soul bleeds for the deplorable condition of the church of Scotland; we are losing the gospel, having fallen from our first love and zeal, therefore God is threatening to spew us out of his mouth. Oh that my blood might contribute in the least to awaken the remnant to do their first works, and might contribute to establish any of his in the ways of holiness and righteousness. I have had sharp sufferings for a considerable time, and yet I must say, to the commendation of the grace of God, my suffering time hath been my best time; and when

my sufferings have been sharpest, my 1684.
spiritual joys and consolations have been greatest. Let none be afraid of the cross of Christ, his cross is our greatest glory. Let all who love God in sincerity, prepare for the hardest of suffering, for fire and gibbets; the aversion that is in all to the cross of Christ, is the bane of our professors. I am much afraid, that Christ will be put to open shame in Scotland, and will be crucified afresh, and his precious blood accounted unholy and polluted, and that Christ, in his members, may be buried for a while in the nation; yet I have good ground of hope to believe, that the Sun of righteousness will yet shine again, with healing under his wings. Oh that God would awaken his remnant while it is to-day, that they may consider what belongs to their peace. Woe will be to them that are instrumental to banish Christ out of the land, and blessed are they who are instrumental, by a gospel conversation, and continual wrestling with God, to keep Christ in the nation. He is the glory of a land, and if we could but love him, he could not part with us. Woe be to them that would rather banish Christ out of the land than love him. God pour out his Spirit plenteously on his poor remnant, that they may give God no rest till he make his Jerusalem the joy and praise of the whole earth.

"I have no more time, but they who love God I hope have minded me in my affliction, and do mind me now, and will mind my wife and children. I go with joy to him who is the joy and bridegroom of my soul, to him who is the Saviour and Redeemer of my soul. I go with rejoicing to the God of my life, to my portion and inheritance, to the husband of my soul. Come, LORD."*

* "The character of Jerviswood was very high. Dr Owen, who was acquainted with him, said to a friend: 'You have truly men of great spirits in Scotland; there is for a gentleman, Mr Bailie of Jerviswood, a person of the greatest abilities I ever almost met with.' And says Bishop Burnet, giving an account of him, 'thus a learned and worthy gentleman, after twenty months' hard usage, was brought to such a death, in a way so full in all the steps of it, of the spirit and practice of the courts of the inquisition, that one is tempted to think that the steps taken in it were suggested by one well studied if not practised in them.'"—*Scots Worthies*, p. 443. Glas. edit. 1828.—*I.d.*

1684. I have several circumstances of this excellent person's carriage, during the trial and execution, too large to be insert here. When his sentence was intimated, he said, "my lords, the time is short, the sentence is sharp, but I thank my God who hath made me as fit to die, as ye are to live." When sent back to his room in the prison, after sentence, he leaned over on the bed, and fell into a wonderful rapture of joy, from the assurance he had, that in a few hours he would be inconceivably happy. Being, after a little silence, asked how he was, he answered, "Never better, and in a few hours I'll be well beyond all conception; they are going to send me in pieces and quarters through the country; they may hag and hew my body as they please, but I know assuredly nothing shall be lost, but all these my members shall be wonderfully gathered, and made like Christ's glorious body." When at the scaffold, he was not able to go up the ladder without support. When on it, he said, "My faint zeal for the protestant religion has brought me to this end;" and the drums interrupted him. Their spite against his body was very great, and I am told the quarters of it lay in the thieves-hole for three weeks, before they were placed as in the sentence.*

* In the addenda to Wodrow's History, inserted by the author at the commencement of vol. li. of the first edition, we have the following particulars regarding Jerviswood: After the case of that singular person Mr Bailie of Jerviswood was printed off, I received a narrative of some further circumstances of his trial from a worthy friend of mine who was present, and a mournful spectator. What passed made so deep impression upon him, that he is distinct as to the very words and phrases that were used, and I thought they deserved a room here.

"Jerviswood being much indisposed, came to the bar of the justiciary in his night-gown, attended by his sister, who several times gave him cordials, he being so ill as he was obliged to sit down on a stool. He heard all very patiently; only when was reading his long narrative, Jerviswood would now and then look upwards, and hold up his hands. When the declarations and affidavits that came from England were read, he appeared to be in some concern, and said, Oh, oh! staring upon the king's advocate. But when the advocate, in his discourse to the assize, insisted on those declarations and affidavits, and enlarged more fully upon them than in the speech he caused print in Jerviswood's trial, then Jerviswood stared him very broad, and appeared to be very much troubled. After the advocate had ended his discourse, Jerviswood desired liberty of the earl

There are some other noblemen and gentlemen I meet with this year in the council-registers, attacked for the plot, as the earl of Tarras, who, as we have heard, was indicted before he was made use of as a witness against Jerviswood, and the laird of Polwart, since the revolution chancellor

of Linlithgow to speak a few words, not being able to say much because of his great weakness. Which being granted, he spake to this purpose: That the sickness now upon him in all human appearance would soon prove mortal, and he could not live many days; but he found he was intended for a public sacrifice in his life and estate; that he would say nothing as to the justice of their lordships' interlocutor, and was sorry his trial had given them so much and long trouble, by staying so long in the court, it being then past midnight. And then addressed himself to the assize, telling them, he doubted not, but they would act as men of honour; that there were hard things in the depositions of the witnesses against him, which was to be their rule, and that nothing he could say was to prevail with them; yet for the exoneration of his own conscience, and that his poor memory and family might not suffer unjustly, he behoved to say, that the most material witnesses were correspondents, and life might be precious to some; that one of them was very happy in a memory, yet he was sure there were some things said to be spoken in a meeting where he was, which, he was positive, were not at least while he was there; withal he most heartily forgave them. But there is one thing, says he, which vexes me extremely, and wherein I am injured to the utmost degree, and that is for a plot to cut off the king and his royal highness, and that I sat up nights to form a declaration to palliate or justify such a villany. I am in probability to appear, in some hours, before the tribunal of the Great Judge, and, in presence of your lordships and all here, I solemnly declare, that never was I prompted, or privy to any such thing, and that I abhor and detest all thoughts or principles for touching the life and blood of his sacred majesty, or his royal brother. I was ever for monarchical government. And then looking directly upon the king's advocate, he said, 'My lord, I think it very strange you charge me with such abominable things; you may remember, that when you came to me in prison, you told me such things were laid to my charge, but that you did not believe them. How then, my lord, come you to lay such a stain upon me, with so much violence? are you now convinced in your conscience, that I am more guilty than before? You may remember what passed betwixt us in prison.' The whole audience fixed their eyes upon the advocate, who appeared in no small confusion, and said, 'Jerviswood, I own what you say, my thoughts there were as a private man; but what I say here is by special direction of the privy council; and,' pointing to Sir William Paterson, clerk, added, 'he knows my orders.' 'Well,' says Jerviswood, 'if your lordship have one conscience for yourself, and another for the council, I pray God forgive you, I do.' And turning to the justice-general, he said, 'my lord, I trouble your lordships no further.'—*Ed.*

of Scotland, and king's commissioner, and Pringle of Torwoodlie, and some others; but their processes not being brought to an issue till next year, I reserve them till then, that we may have a full view of all which concerns them.

SECT. V.

*Of the Procedure at the Circuit-courts,
October, 1684.*

HAVING given a pretty large account of the procedure of the council and justiciary this year, and their processes against many particular noblemen, gentlemen, ministers, and others, it remains that I consider the more extensive oppression of the western and southern shires, by the circuit-courts at Glasgow, Ayr, Dumfries, and Wigtoun, towards the end of this year; and the exorbitant fines imposed upon many gentlemen after those, will afford matter for another section by itself. I shall here resume nothing of the general forms and methods used before and at those arbitrary courts, these having been narrated on the former years; but I shall, from the registers, give their commission and instructions, and some view of their severities from written accounts come to my hands, which may be depended on, and indeed contain but a very small part of the hardships they put upon people who came before them; but these are all I can now glean up at this distance of time, there being no registers of these itinerant courts, that I can meet with.

Those circuits, we see, come about annually, and, generally speaking, they are in the recess of session and justiciary, in the harvest quarter, when the managers took the diversion of the country, and they were very careful to fill up that part of the year in carrying on the persecution, which, during the rest of the months, they managed at Edinburgh. In August, these courts were agreed upon at London, upon application from the bishops and managers here; and, September 6th, the king's letter is read, ordering the council to appoint the following commission to be given to the underwritten persons in their several districts. The commission runs just in the terms of the king's letter, which therefore it is needless

to insert, and I only take in the commission and instructions. 1684.

*Commission for Justiciary, and instructions,
September 6th, 1684.*

"Charles, &c. to all and sundry our lieges and subjects whom it effeirs, greeting: forasmuch as, albeit the many endeavours used by us to reclaim the disaffected and disorderly people, in several of the western and southern shires of this our kingdom, have not been so effectual as the gentleness of our government, and the interest of all concerned gave us ground to hope; but on the contrary, they continue in rebellious convocations, and seditious conventicles, and other disorderly practices, without any competent endeavours used by those concerned in the several shires, either conform to our standing laws or late proclamations: yet we being still resolved to prosecute all just means for securing our royal power, and the safety of our people, have thought expedient, that before more severe remedies be tried, with advice of the lords of our privy council, hereby to empower some of our privy council to go to several shires and places. And particularly the duke of Hamilton, our treasurer-depute, and justice-clerk, to the shires of Clydesdale, Renfrew, and Dumbarton; the earl of Marr, lord Livingstone, and lieutenant-general Drummond, to the shire of Ayr; our treasurer-principal, the lord Drumlanark, and colonel Graham of Claverhouse, to Dumfries and Wigton, and the stewartries of Annandale and Kirkcudbright; the earl of Balcarras, lord Tester, William Hay of Drumelzier, to the shires of Roxburgh, Selkirk, Peebles, and Merse. With full power to them, or any two of them, within the shires and districts foresaid, to act as commissioners of our justiciary, in all matters criminal; and for that effect, to affix and hold criminal courts, create clerks, call assizes, &c. (as in former commissions above insert,) as fully as the commissioners of our justiciary have done, or may do. And to the effect, the design of this commission against disorderly and irregular persons may be the better prosecute, we do empower them to hold courts, and in these courts to call and convene all persons guilty of conventicles,

1684. withdrawing from public ordinances, disorderly baptisms and marriages; and such like disorders and irregularities; and to take their oath, examine witnesses against them, pronounce sentences, and the same to due execution cause be put, by imprisonment, or other legal diligence, conform to the laws of this realm. And generally to act and do conform to the tenor of the instructions herewith given by us, or which shall hereafter be given by us, our privy council, or secret committee of our privy council, as fully and freely in all respects as a quorum of our privy council, if they were present. All persons are ordered to attend the lords justices, as in common form; and this commission to endure till the first of December next, unless we think fit to prorogate the same. Given under our signet at Edinburgh, September 6th, 1684."

Follow instructions upon the foresaid commission.

"Charles R. 1. You shall disarm all heritors who have not taken the test, and all the commons, excepting the militia; and if any shall conceal arms, or refuse to depone thereupon, when by you required, you shall fine the heritors in one year's rent, the tenants in one year's rent of their respective farms; the servants, and cottars, and tradesmen, are to be fined according to their substance.

"2. You are to follow such instructions as we or our privy council shall give you, as to the value of horses, and the persons to whom they are to be allowed within the districts.

"3. You shall seize all preachers, chaplains, or such as exercise as chaplains, who are not authorized by the bishops, and send them to our privy council to be disposed of as they think fit and see cause.

"4. You shall punish, according to law, all persons guilty of ecclesiastic disorders, either men or women, and you shall put our proclamations, especially that of the day of _____, in execution, against all who are guilty of conventicles, or concerned in them, as concealers and not discoverers, negligent heritors, sheriffs, bailies, and other magistrates or heritors of the place, where they are kept, or other-

wise concerned by our laws and proclamations, according to the tenor thereof; and the husbands of such wives as are guilty, and have not done their endeavours in terms of our letter, bearing date the _____ day of _____

"5. You shall give account to our secret committee, of all persons who have fled from their habitations, whether by retiring out of the kingdom, or removing to other places to evite just sentences.

"6. You shall examine the indulged ministers on their instructions, and remove such as have transgressed, and imprison them till they find security not to preach or exercise any part of the ministerial office, or otherwise to remove from our three kingdoms, under caution not to return without special allowance from us or our privy council; and such as refuse to find caution in manner foresaid, you shall send them in prisoners to our privy council, or their committee at Edinburgh.

"7. You shall diligently search for the heritors, inciters, promoters, or concurrers to the late rebellions, the intercommuners with such, or resettlers of them, and others, not heritors, guilty of the said crimes, since July 1st, 1683.

"8. You shall stop and secure all pedlars who have not passes, according to the tenor of our last proclamation, and secure them till they find caution for their good behaviour.

"9. You shall stop all posts who carry letters, except such who are allowed by our post-master general.

"10. You shall commune with rebels, to bring them to obedience, upon their address for pardon, and you shall acquaint our secret committee with their proposals, and what passes betwixt you and them; and in order thereunto, you are allowed to give them safe conducts.

"11. You shall command the forces assigned to you by our privy council, according to the necessity of our service.

"12. You shall turn out all the wives and children of the forfeited persons and fugitives, from their habitations, if it shall appear that they have conversed with their parents or husbands, or if they shall refuse to vindicate themselves by their oaths.

" 13. You shall inquire what quarters are unpaid by the soldiers in your several districts, and take care payment be made for bygones, and in time to come.

" 14. You are to examine what money has been collected by any body within your districts, and not counted for.

" 15. You shall take care, that decreets for fines, for ecclesiastic disorders, be put in execution, as shall be prescribed by our privy council.

" 16. You shall be assisting to our regular clergy, in bringing people to obedience, in settling church-sessions; and if any complaint be made of any of the regular clergy, you are to recommend the punishment and censure thereof, to our bishops, or judges competent.

" 17. If you find any part of the country stubborn or contumacious, you shall impose such fines upon them as the law will allow; and in case of not payment thereof, and that you think it fit, you are immediately to quarter our forces on the stubborn and contumacious, until the fines imposed shall be exhausted by them.

" 18. You are to keep good and constant correspondence among yourselves; and if it shall happen that any man shall flee from one district to another, when you are advertised thereof, you shall immediately cause the fugitive to be apprehended, and you shall send him to the district from whence he fled, to be judged by the commissioners there, or else sent by them to Edinburgh, as they shall think fit.

" 19. You shall acquaint any of the neighbouring jurisdictions to which any of the rebels shall flee, to the end they may assist to apprehend them; and if, in pursuit of those, it shall be convenient for you to go out of your district, or to send parties out of the same, the magistrates are hereby required to obey and assist you, as they will be answerable.

" 20. You shall suffer no man to travel with arms, excepting gentlemen of known loyalty, who have taken the test; and no yeoman to travel three miles from his own house, without a pass from his minister, or a commissioner of the excise.

" 21. You are to call for all or any part of the heritors, as often and where you shall

find it needful for our service, who are hereby ordered to obey, under ^{1684.} the pains of being punished as absents from our host.

" 22. You shall put in execution the power of justiciary to be granted unto you by our privy council, with all rigour, by using fire and sword, as is usual in such cases; and we do empower our privy council to insert an indemnity to you, or any employed by you, for what shall be done in the execution thereof.

" 23. You are hereby empowered to give the oath of allegiance to such persons within your districts, as you shall have reason to suspect; and in case of refusal, you shall banish them to the plantations, whether men or women.

" 24. If you shall be informed, that any within your district shall deny our authority, or their bond of allegiance to us, you shall inquire therein, apprehend the persons, and either judge them upon the place, or send them into Edinburgh, as you find most expedient.

" 25. You shall call for, and dispose of the militia, as you find most fit for our service.

" 26. You shall inquire how the ordinary magistrates have carried in our service, and inform the privy council thereof.

" 27. You shall report to the secret committee of our privy council, such propositions as the shires within your district shall make to you for our service.

" 28. You are to obey such orders as you shall receive from us, or our privy council, or secret committee thereof, from time to time; and you are also hereby authorized to forbear the execution of any of the articles of these instructions, if you shall see cause for the same.

" For doing of which these presents shall be to you, and all others who may be respectively concerned, a sufficient warrant. Given under our royal hand and signet, at our court at Windsor castle, the 26th day of August 1684, and of our reign the thirty sixth year."

" By his majesty's command,

" MURRAY."

It was the month of October before this

1684. terrible circuit sat down in their different districts. Those ample powers, and a liberty to cut and carve in them as they saw good, let us see what an arbitrary and absolute government Scotland was now under. Life, liberty, and every thing is left in the managers' hands. If they pleased to have mercy on the poor harassed country, the king allowed them, and if not, their instructions carry them even to fire and sword.

To pave the way for their work, or at least to prevent the poor sufferers getting off the kingdom, and to discover such as remained in it, two proclamations are emitted in September; the first bears the date, September 15th, ordering the oaths of all the masters of ships, or vessels going off the kingdom, to be taken, as to their passengers, which I have insert.* This needs no observation upon it. No question, it was levelled against the persecuted party principally; a new circuit was very justly frightsome to them from their experience of the severities of the former. They are not suffered to live at home, and now are stopped from retiring to foreign countries, where they might be free from being

* *Proclamation for the oaths of masters of vessels, September 15th, 1684.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as, many wicked and rebellious persons, being conscious of their own guilt, have fled from this kingdom, into foreign kingdoms or countries, where they continue to carry on their traitorous and hellish designs against our sacred person, and the government of this our realm, by corresponding and keeping of intelligence with their rebellious accomplices, lurking within this kingdom; therefore, and for preventing of the said designs as much as can be, we, with advice of the lords of our privy council, do hereby require and command all masters of ships, going from this kingdom or returning to the same, to present all and every one of their passengers upon oath, to the several persons to be named by the customers in the several precincts following, viz. all masters of ships, barks, boats, or other vessels, going from or returning to any place within the precincts of the custom-office of Leith and Prestonpans, to the collector there for the time; all within the precinct of the custom of Borrowstonness, to the collectors there for the time; those of the precinct of Kirksaldy, to the collectors there for the time; those of the precinct of Montrose, to the collectors there for the time; those of the precinct of Aberdeen, to the collectors there for the time; those of the

butchered in cold blood. And, September 16th, another proclamation is emitted, discharging all persons whatsoever, to

precinct of Inverness, to the collectors there for the time; those of the precinct of Portpatrick, to the collectors there for the time; those of the precinct of Ayr, to the collectors there for the time; those of the precinct of Irvine, to the collectors there for the time; and those of the precinct of Port-Glasgow, to the collectors there, for whom the tacksmen and customers are to be answerable. Declaring hereby, that whatever master of ship, bark, boat, or vessel, shall do in the contrary, shall lose his whole goods, (the one half to the informer, and the other half to us) his person shall be imprisoned, and he declared incapable to be a master of a ship, bark, or other vessel, hereafter. And if any of the said masters of ships, or other vessels foresaid, shall import to this kingdom, any traitors, rebels, fugitives, intercommuned or banished persons, it is hereby declared, they shall be liable therefore, conform to the laws and acts of parliament, and proclamations made against resettlers of rebels; requiring also the persons above-mentioned, authorized to take the said oath, to give an exact account of their diligence, the first Tuesday of every month, to the clerks of our privy council: and we do hereby require and command the collectors and clerks of our several custom-offices, to accept of no report inward, from any master of a ship, bark, boat, or other vessel, and the keepers of the cocquet-office not to give out the same to any such master outward bound, until he receive testificate from the persons above-written, authorized as said is, within whose precinct any such ship, bark, boat, or other vessel is, that he has made faith anent his passengers, as aforesaid, and that he neither hath, had, nor has any other passengers from abroad, nor outward bound, than these mentioned in his oath, as they will be answerable at their highest peril. And further, declaring, that the master and owner shall lose the ship, boat, bark, or vessel and goods, in which any person, not given up as said is, shall be in-brought unto this kingdom, or transported forth hereof; and that all magistrates of burghs of royalty or regality, and heritors on whose ground such persons shall be landed, are to be liable and punished therefore, as our privy council shall think fit, in case they do not diligence to prevent the same, or apprehend the persons so landed. And to the effect our pleasure in the premises may be known to all persons concerned, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and the remanent market-crosses of the head burghs of this kingdom, and other places needful, and thereat, in our name and authority, by open proclamation, make publication of the premises, that all persons concerned may have notice thereof, and give punctual and exact obedience thereto.

Given under our signet at Edinburgh the fifteenth day of September, one thousand six hundred eighty and four, and of our reign the thirty sixth year.

Per actum dominorum secreti concilii.

WILL. PATERSON, Cl. Secr. Concilii.
God save the king.

travel from one shire to another without a pass. It is but short, and I have added it.* All travellers must have a pass from some persons in the government. And the pretext is, to hinder persons from carrying false news from one part of the country to another. I am not so far master of the intrigues now on foot, as to make reflections that perhaps might be natural enough here. As the former was a check and damp upon trade and commerce, so this is a plain encroachment upon the liberty of the subject, in going and coming from one place to another, and a kind of imprisoning the lieges at large, without any just reason given. That of spreading false news is

* *Proclamation for passes, September 16th, 1684.*
Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constituted, greeting: forasmuch as we, having thought fit to commissionate some of our privy council, to go to the southern and western shires of this kingdom, for suppressing and punishing disorders there, and we being resolved to prevent the travelling of skulking and vagrant persons, and others disaffected to our government, in the said shires, during the abode of our commissioners there, for carrying of false news, and other wicked purposes, do therefore, with advice of the lords of our privy council, hereby strictly prohibit and discharge all our subjects, of what quality soever, to go out of one jurisdiction to another, in the said southern and western shires, without a pass from one of our privy counsellors, our said commissioners, or the sheriffs, bailiffs, magistrates of burghs, commissioners of excise, or justices of peace of the jurisdiction from whence they came, or any one of them, under the pain of being punished as persons disaffected to our government. And we hereby require the several magistrates foresaid, to apprehend and secure any person coming within their respective jurisdictions, without having a pass, as said is, until the return of our said commissioners, as they will be answerable. Our will is herefore, and we charge you strictly and command, that incontinent, these our letters seen, you pass to the market-cross of Edinburgh, and remanent market-crosses of the head burghs of the western and southern shires of this kingdom, and other places needful, and there, by open proclamation, make publication of the premises, that all persons concerned may have notice thereof, and give obedience thereto, as they will be answerable.

Given under our signet, at Edinburgh, the sixteenth day of September, one thousand six hundred and eighty four, and of our reign the thirtieth and sixth year.

Per actum dominorum secreti concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save the king.

evidently frivolous, and every body may see these might be spread by 1684. letters. The true design seems to have been, to be a preface to more general impositions on the subject, as we shall afterward hear, to prevent suffering people retiring from the fury of the circuits, to be a new colour to the soldiers, and to oppress poor people the more. I wonder the proclamation does not empower the bishops and orthodox clergy to give passes. The instructions to the commissioners seem to suppose some such passes, but, it seems, the council do not find it needful to intrust them.

Before the meeting of the circuit or judiciary, the council by their clerk order the shire of Stirling with its jurisdictions, *pro hac vice*, to be adjoined to the jurisdiction of Glasgow, to save the lords the trouble, as I suppose, of leaving Glasgow. I observe nothing of this in the records, but it appears by an original warrant, from the clerk of council to the sheriff-depute of Stirling to this effect, in my hands, which, because it gives us some view of the preparations and care taken to ripen matters for the circuit, and of the willing share the clergy were to have in this, I have insert here. Its date is not expressed, and is indorsed.

Warrant to the Sheriff-depute of the shire of Stirling, 1684.

“ Sheriff-depute of Stirling,

“ Forasmuch as his majesty, by a letter under his own royal hand, hath been pleased to adjoin the shire of Stirling, and the jurisdiction thereunto belonging, whether of royalty or regality, to the district of Glasgow, you are therefore ordered to cite and advertise all the king’s vassals, and other considerable gentlemen holding of other superiors within the said shire, and jurisdictions and regalities within the same, to compear before the lords of his majesty’s privy council, at Glasgow the 14th day of October instant, by nine of the clock, and there to attend the said lords, and receive such orders and directions for his majesty’s service, as shall be thought expedient. You are likewise to advertise all the ministers within your shire, that they attend the said lords at Glasgow the foresaid day, and that

1684. they come prepared to give in to the said lords, exact lists, upon which they are to make faith as to all irregular persons, withdrawers from the church-ordinances, and all suspect and disaffected persons to his majesty's government in church and state, so far as it consists with their knowledge, as also a list of all such persons, as they believe, can give best information anent the premises. As likewise you are to cite the haill elders of kirk sessions, their clerk and beadle, to depone upon the forementioned particulars the said day and place. And particularly, you are to cite the magistrates of the town of Stirling, to appear before the said lords at the above-written time, and particularly to depone anent the forementioned particulars, and to bring alongst with them an exact list of the haill heritors who stand infest in lands within their burgh. And in this you nor any of the forementioned persons are not to fail as you and they will be answerable. Extracted by me, Sir William Paterson, clerk to his majesty's most honourable privy council.

"WILL. PATERSON CL. Secr. Conc."

From this and what goes before we may learn, that these courts had both a council and justiciary power, and had a vast compass of affairs before them. We shall find afterwards, this shire came to Glasgow, and gave ample proofs of their loyalty and submission to the king's orders.

What were the precise days upon which these courts, ordinarily called circuits, though different a little from these in the former years, met, I cannot say, further than the dates of some papers in the registers, and others come to my hand, show. It would seem that court at Jedburgh met toward the beginning of October, for I find a letter directed to them, and the rest, from the committee of public affairs, October 9th, which will give some more light about them. This I give from the registers of council.

October 9th, 1684, sederunt the committee for public affairs, upon the report of the commission, at Jedburgh, and for the western districts, the lords did send the following letter, a copy whereof was ordered to be sent to the rest of the districts for the rule of their procedure.

"My Lords,

"The committee of council being very frequent, I did propose to them your two queries: In answer to the first whereof, it is all our opinions, that if the defenders, called before you as counsellors, be personally cited, they may be holden as confessed; but they cannot unless they be personally cited, and all that can be done in that case is to put them to the horn, which will be as great a punishment to them, as if they were declared fugitives; but it will not infer any danger to the country by resetting them, which is as much to be shunned as can be. And if it be thereafter found convenient to hold them as confessed to the end that the king may get a fine by holding them as confessed, which may be more advisable than the taking of their escheat, which is all that can follow upon their being put to the horn, then I shall cause cite them upon sixty days, as being out of the country, but let not that stop your diligence; in which case they will be holden as confessed, though not personally cited. It is likewise their opinion, you should proceed against all sheriff-deputes who have malversed, and that you should punish them exemplarily to the terror of others, and to the end that people may see that you are come there to protect honest men, as well as to punish knaves. I am,

"Your lordships' humble servant,
"GEORGE M'KENZIE."

This letter is a little dark to me, not having the queries: but it lets us in to see somewhat of the managers severe designs upon gentlemen and others. It is of more importance to give an account of a letter from the king, read in council, or its committee, October 12th, which was no doubt impetrated by our managers here, as the foundation of their imposing exorbitant fines upon many gentlemen we shall hear of in the next section. The letter follows.

"Charles R. Right trusty, &c. Whereas we find that some of our unnatural and rebellious subjects in that our ancient kingdom, do enter into plots and conspiracies, the more willingly and securely, that they think their

guilt cannot be discovered by the depositions of witnesses, they, for concealing their guilt, industriously using to discourse of those matters only with one person alone; and it being easy to cause one or two, who might be proving witnesses, to withdraw for some time. And seeing it is the great interest of all government, as well as of all who desire to live peaceably under it, that all subjects should be obliged to fear all manner of accession to such horrid crimes, as tend to overthrow all society and government; and it being undeniable, that no man can complain when judged by his own oath, by which he is in less danger, than by any probation of any witness whatsoever. Therefore thought it necessary to empower, and we do hereby authorize and empower our advocate to raise process before you, or before those who are commisionate to represent us, as our privy council, in the western and southern shires, against any whom you or they shall order, for the said crimes of plotting and contriving to rise in rebellion, or for intercommuning with, or resetting any declared rebels; and to refer their guilt to the oath of the said defenders, in so far as may extend to a pecuniary mulct or fine allenarly. Declaring hereby, for their further security, that if they shall depone upon the guilt so referred to their oath, they shall be for ever as secure upon the payment of their fine, as if they had a remission under our great seal: Whereas, if they refuse to depone, we order you to hold them as confessed, and to fine them in what sums you shall judge to be proportional to their respective guilt and accession. Which power so granted to you, shall only continue in force till the first day of April next to come, and is hereby ordained to be registrate and recorded in your books, to the end that extracts may be given to any who shall depone, as said is, this, and the decreets to follow thereupon, being to them in place of a remission. For all which this shall be to you a sufficient warrant. Given, &c. September 27th, 1684.

“MURRAY.”

Such power was formerly granted to the council, and now it is renewed to reach heritors, against whom they had no probation;

and under the colour of this they put the test to them, as what only could 1684. purge them of disloyalty and reset. All the country was involved necessarily in converse with such as had been at Bothwell, and no man who feared an oath could swear his own freedom from conversing with such; and by this letter they were to be holden as confessed, and guilty if they did not; and all this is imposed under the notion of kindness. One who calmly considers such methods and their tendency, cannot but reckon them public juggling with God and men.

I come now to give an account of the procedure of the lords at each of those courts, as far as materials have come to my hand. I have nothing remarkable from Jedburgh, but that they were severe enough in persecution, and frank enough in making an offer of cess to the king, as we shall hear the rest of the districts did.

Upon the second of October, Queensberry, his son, and Claverhouse, sat down at Dumfries, having for their district, Dumfries, Galloway, Nithsdale, and Annandale. There were nowhere greater irregularities and severities committed than at this southern court, of which I shall give some instances, if once I had taken notice of the addresses and offers the heritors were forced into. This vast sum the oppressed country was clubbed into, and the preparing matters for the exorbitant fines, within a little to be exacted, seems to have been the great design in those circuits their being sent up and down the country. The judges were about a month in that district. At Dumfries I find the proposal of coming into a large cess was made, and left to be thought upon till the judges returned, and it was then gone into. The particular methods used to bring up heritors, probably much the same every where, will come in at Ayr and Glasgow. All the heritors were called and required to take the test, and if any irregularities were found charged against any of them, the test was offered as a favour, and they behoved either to take it presently, or go to prison; and after some stay there, the refusers were allowed to give bond and caution to appear and answer at Edinburgh. I do not hear of many gentlemen who were present, but one way or other they were prevailed upon,

1684. except that excellent and worthy gentleman Mr Hugh Maxwell of Dalswinton, who continued afterwards many months in prison at Edinburgh, and was most iniquitously fined, as we may hear.

When they were got through the heritors, the commons were called upon by their different parishes, and all who would not presently depone they were free of hearing and baptizing with presbyterian ministers, that they had kept their parish church, and had not reset or conversed with rebels, fugitives, &c. the men were required instantly to take the test, and likewise to swear they should never reset, harbour, give meat or drink, or show any kindness to any inter-communed wandering person, and that upon hearing or seeing of any that were or should be denounced, or were upon their hiding, they should raise the hue and cry; and if they could not apprehend them, they should give timeous notice to the next garrison, that they might pursue them, or to the sheriffs or justices of the peace. The women, especially through the parishes up and down the country, where substitutes were sent to make this oppression as extensive as possible, had not indeed the test put to them, but dreadful oaths formed according to the circumstances they were informed to be in. For instance, if they were alleged to have husbands upon their hiding, they are obliged to swear they should not cohabit or converse with them, under the pains of law; if they had children denounced, that they should not harbour or show any kindness to them. The refusers, men and women, were straight sent to prison, and indeed the prisons and guard houses were now every where crammed full.

After some days at Dumfries, the judges went to Kirkcudbright, and from that to Wigton, where, as far as I can learn, the very same methods were fallen upon; and in the meantime particular gentlemen and officers of the soldiers, were commissioned to go to the country parishes, at distance from the towns, which the judges could not fully reach: and at those sub-courts, if I may call them so, I find it remarked that many were obliged to swear over again, though they had satisfied the judges. The test was offered to the men, and other oaths

to the women, and all refusers were brought into Dumfries prison, against the time the judges were to return thither. These substitutes did not fail to take sums of money, to enrol persons, as having satisfied, who did not take the test; and no small sums were raised this way. About twenty eight prisoners were brought into Dumfries, against the return of the judges, who were most cruelly treated by the way, and the very necessaries of life refused to them.

No more offers to me from Kirkcudbright and Wigton, save the address that was signed at Kirkcudbright, of which I have an account from the registers. Whether there was one from Wigton I know not, I have seen no accounts of it, if it was not joined to Kirkcudbright. By the council books I find, October 13th, the committee for public affairs, transmit the address from Kirkcudbright to the secretary, with the following letter. I insert both.

“ My Lord,
“ We have this day received an account from my lord treasurer, of the procedure of the committee of council, sent to the district of Nithsdale and Galloway, here inclosed, whereby you will perceive, that by the diligence and influence of the lord treasurer, that place is brought to make a cheerful offer to his majesty of twenty months’ cess to be paid in four years, beginning at Martinmas next, and that by and attour the supply granted by the current parliament. They have likewise offered themselves to be bound for their tenants and servants, that they shall walk regularly in time coming. This is a very good example to the western and southern shires, so that if they can be brought up this length, there may be a considerable addition to his majesty’s forces. The districts of Clydesdale and Ayr have already offered six months’ cess, to be paid in two years, of which the lord register has no doubt given you an account. Your lordship will please to give the duke an account of my lord treasurer, lord Drumlanrick, and Claverhouse’s diligence in that place. We are,

“ My lord, &c.”

Follows the tenor of the address sent up.

To the right honourable William Marquis of Queensberry lord high treasurer, James lord Drumlanrick, and colonel John Graham of Claverhouse, commissioners of his majesty's privy council, for the shires of Dumfries, Wigton, Annandale, and Kirkcudbright, the humble address of the heritors, wadsetters, and liferenters, within the stewartry of Kirkcudbright.

We, undersubscribers, heritors, wadsetters, and liferenters, being met by your lordships' command and allowance, and having considered the representation made to us by the lord high treasurer, in name of the rest of the commissioners, in relation to the present state of affairs, in the southern and western shires; and considering the great obligations that we and all his majesty's subjects lie under to our gracious sovereign, for the many expressions and acts of his goodness and bounty to us: and as we are very sensible of the lord high treasurer his justice and favour to us on all occasions, whereof, in a due recognizance of the same, we shall never be unmindful; so, from the representation made to us by his lordship, and a due sense of the great happiness this nation enjoys, under the government of the best of princes, to whose prudent care and conduct, next to the providence of God, we acknowledge we owe our liberty, tranquillity, and peace we have had under him for many years, while almost all other nations about us have been engaged in war. As also, that nothing hath stood in the way of our being the happiest of all people, but what had its rise from some disaffected persons among ourselves, and their withdrawing from the public worship, and frequenting house and field-conventicles, the consequences whereof involved a great part of the kingdom in those two unhappy rebellions, 1666 and 1679, unto which too many in this country had too great an accession. And albeit his majesty, from such provocations from these who gave a rise to those rebellions, might have exercised the rigour of his justice, to the full and total extirpation of that rebellious party, and have put the standing laws of the kingdom in execution, yet his boundless mercy and goodness was such, as not only to pass by the errors and escapes of such as through

ignorance were misled, but even to 1684.
pardon and indemnify rebels themselves, and others who had accession thereunto: notwithstanding whereof, many do yet continue in their rebellious and pernicious principles, in a direct opposition to his majesty's government, who being unworthy of the former acts of his mercy and goodness, are now to be prosecuted to the utmost rigour. Therefore we, the persons above designed, out of a due sense of our duty to God, to his sacred majesty and his successors, and out of a just abhorrence and detestation of all rebellion and separation, and as a true mark of our loyalty and allegiance to our gracious sovereign, and for the preservation of ourselves and posterity, do make an unanimous and cheerful offer to his royal majesty, whom we pray God to bless with a long, happy, and prosperous reign over us, and to his successors, towards the maintaining of the standing forces, for the better securing the peace and quiet of the kingdom, five months' cess yearly for the space of four years, from the term of Martinmas next to come, and that by and attour the present supply payable by us by the act of parliament, dated in August 1681, beseeching his majesty graciously to accept of this our unanimous offer and tender. Which five months' cess, for the said four years, is to be uplifted, levied, and collected, out of the land rent within the said stewartry, in the manner as the present supply is payable to his majesty; and the first term's payment to be at Martinmas next, by way of advance, and so forth thereafter, at Whitsunday and Martinmas, being two months and a half's cess termly, during the said space. And as a further testimony of that duty and obedience we owe to our sacred sovereign, and for the security of the peace and quiet of the government, for the future, we bind and oblige ourselves, for our tenants and cottars under us, that they shall live regularly and peaceably all time coming, or otherwise to extirpate and remove them forth of our lands, so soon as their irregularities shall come to our knowledge, either by the ordinary judges, or ministers within whose bounds they live, and shall

1684, give our utmost concourse and assistance in reducing them to justice, in case of their irregularities, and that under the certifications provided by law thereanent; and what the lords of privy council shall be pleased to inflict against the contraveners thereof."

Signed by the haill heritors, October 9th 1684.

When the judges had ended their work at Kirkcudbright and Wigton, they returned to Dumfries, and finished what they had left undone there. I meet with their address sent up, October 30th, by the committee for public affairs, and a letter to the secretary, with high encomiums upon the treasurer, for his pains in bringing that country to such expressions of loyalty. The address itself, signed by the heritors of Dumfries and Annandale, is much to the same purpose with that just now insert, and I love not needlessly to swell this work. "They take notice, with great thankfulness, of the king's sending down his royal brother the duke of York to Scotland, and declare they have nothing more to wish for, than that the king and his successors reign over them, and offer the king as many months' cess as his majesty's privy council here, or secret committee thereof, think fit, by and attour what the parliament has already granted; and bind themselves for their wives, families, tenants, and cottars, their regularity, in such terms as his majesty's council shall think fit and practicable by them, besides the ordinary certification by law; and give assurances, that whatever shall at any time be proposed to them by the lord high treasurer, for the advancing of his majesty's interest, shall be most cheerfully gone into by them.

During the time that this court was sitting at Dumfries, and the other towns in this district, the soldiers were day and night searching up and down the country, and the informers busy to give notice of any who had accidentally escaped the fury of the court. And the strictest searches possible were made for all wanderers, and persons upon their hiding. It was this severity which produced the declaration in November from some of the society people

which I shall give account of next section save one. The whole country almost was sworn against them, and the soldiers were killing them wherever they found them, and this treatment drove them to these extremities we shall hear of. And indeed all along, the heights any of the persecuted people ran to, were plainly the effects of the unaccountable and illegal procedure of the persecutors.

But it is high time to come to some instances of the severities of this court, in this southern district, against particular persons. And I shall give a short narrative of the sufferings of such as I name, before, at, and after this court, from well vouched accounts.

The first who offers is Mr William M'Millan of Caldow, in the parish of Balmaclellan in Galloway. This excellent person was very harshly treated at this court, but I shall give a detail of his sufferings a little higher. After the reintroduction of prelacy he was persecuted by Mr Robert Moir curate of Balmaclellan, assisted by Sir James Turner then raging in that neighbourhood. This gentleman was obliged first to leave his mother's family for mere nonconformity; and marrying, in a little time he was forced to scatter his own, and live as a fugitive the best way he could. His losses in this period cannot be easily computed, besides the great hardships his person was exposed unto, though nothing could be charged upon him but peaceable recusancy. He had no accession to, or concern in Pentland, and yet Sir William Bannantyne quartered his men upon his family, apprehended himself, and detained him, with many others, prisoner in the house of Earlston; and his house was spoiled, and his goods and furniture seized, and all this, notwithstanding he had given bond, under the penalty of a thousand pounds, to answer the council or justiciary for any thing that could be laid to his charge, conform to the warrant given to my lord Harris by the government for that effect. And when Sir William was afterwards, as we have heard, processed before the council for his exorbitancies, Mr William was put to vast charges, as one of the persons principally lesed, in waiting on

at Edinburgh, as a witness, to small purpose. This gentleman went frequently over to Ireland, to breathe a little in those heavy times, where he was often and much pressed by the presbyterian ministers of the county of Down, to pass his trials in order to the preaching of the gospel; for they had now long experience of his good parts and shining piety. At length he was prevailed upon, and after his passing through the ordinary trials with full approbation, he was licensed to preach about the year 1673. When, in the most cautious and peaceable manner, he was now and then preaching in Galloway, he was informed against by the earl of Nithsdale and the prelates, who made some noise about him; yet, without any order from the council, the said earl sent two of his militia troop, Alexander Maxwell, afterward of Cowheath, and William Glendonning of Partan, with some other violent papists thereabout, who seized him, and carried him prisoner first to Kirkcudbright, and then to Dumfries, where, without any libel or accusation, he was continued prisoner thirty five months without intermission, to the great damage of his health. After many fruitless and yet chargeable applications to the council, upon the back of Bothwell, when the duke of Monmouth stopped the fury of the persecutors a little, he was liberate.

Upon the first circuit at Dumfries after Bothwell, Mr William M'Millan was cited to it for reset and converse, and finding the design of the court was to bring all who compeared under sinful engagements, he absented, and was denounced rebel and fugitive at the cross of Dumfries, with many others. All the lieges were inhibit converse with him, and his goods confiscate to the king's use. This turned to his great loss as to any money he had, and his stock and cattle; and he was obliged to hide and lurk many months in the open fields, to the great prejudice of his health, which at best was but infirm. Those hardships at length threw him into a most dangerous fever, and when not recovered out of it, Mr M'Millan, with his infirm wife, was dragged by the soldiers to this court at Dumfries. After much severe and barbarous usage in the guard-house, he was sisted before the lords, who exam-

ined him upon some entangling questions, which he not answering, and 1684. withal peremptorily refusing the test, they most iniquitously ordered him to be carried to Wigton, under a guard, and abide trial when they came thither. By the road the soldiers forced him, not yet recovered from his fever, to walk on foot till he fainted; and when he fell down among their hands, they took a young wild colt near them, and set him upon it, without saddle, or any thing under him, to the great danger of his life. Being brought to Wigton, he had no other lodging but the open guard-house, without any bed for eight days, or any place to retire to, though he was under a violent dysentery and flux. When the lords came to Wigton, Mr William petitioned them, that he might have the favour of the king's common prison, that at least he might be rid of the guards now continually about him, or that he might be allowed to give bond to appear at Edinburgh, as soon as he could reach it; but such was their inhumanity, that both were refused. From Wigton he was sent to Kirkcudbright, where Grierson of Lagg by orders, as he said, from Queensberry, threatened him most severely, if he would not take the test: but he, through grace, standing his ground, was sent prisoner to Dumfries castle, where he continued from the 22d of October, until the 22d of November, in an open house among a throng of others, under a guard. It was a wonder to himself, and to all who knew his circumstances, that under all this toil and hard usage, he died not among their hands. The 22d of November, he, with upwards of eighty others, men, women, and some children, were carried to Moffat kirk, where they lay that night, under great extremity of cold, being wet through, and most of them in hazard of drowning in the waters, under cloud of night, before they could reach that station. Next day being sabbath, the soldiers' travelling day, they were carried twenty four miles to Peebles, under a guard of three troops of dragoons, commanded by captain Clelland. There several of the prisoners were sorely beat, and cruelly mocked by the barbarous soldiers, and all of them in hazard of their lives, by crossing the water in a violent speat. Upon the 24th

1684. they were carried to Leith tolbooth, and reproached bitterly as they went through Edinburgh. There they were so thronged, that they could scarce stand together, and had no conveniency so much as to ease nature. Here James Muirhead, late bailie of Dumfries, through the terrible fatigue, fell into a severe distemper; and such was the barbarity of this time, that neither surgeon nor physician was allowed him, and he died in Leith tolbooth a little after their arrival; my account bears, it was on the 28th. By order of council, Mr William M'Millan, with thirty four more, was brought up to Edinburgh under a guard, and after examination, distributed to several prisons in Edinburgh and the Canongate. There they continued in great throng, and inexpressible difficulties, till, about the 18th of May next year, they were sent to Dunotter. Their hardships there, and by the way, I shall refer to that place.

The reverend Mr William M'George, minister of the gospel at Heriot, was likewise before this circuit, and I have a hint of his sufferings from his worthy son, present minister at Pennicook. Mr M'George was, with many other honest and peaceable persons, sorely persecuted by Mr James Alexander, sheriff-depute of Dumfries, this year. The sheriff-depute imprisoned and fined multitudes, and caused secure two women for alleged converse with their near relations, who were in the Porteous rolls. When the circuit came about, the said Mr M'George, James Muirhead, late bailie of Dumfries, of whom just now, John Irvin, John Scot, John Gibson, Homer Gillison, James Muir, Andrew M'Clellan, all in Dumfries, with many others, were carried into Leith, with the hazards and severities we have heard of. Mr M'George continued in prison till the middle of April next year, when he was liberate upon bond to compear when called. Several of these prisoners had been so peaceable and regular, (as it was now termed) as to hear the episcopal ministers, yet this did not exeme them from the above treatment.

Before this same court I find Charles Maxwell in the parish of Keir. All they had to lay to his charge was converse with his sister-in-law, after he had given bond

for her good behaviour, and by allowance brought her home to his own house from Dumfries prison, where she had lain for several months for mere nonconformity. By this instance we may see what the crimes were for which the heritors at this time were harassed. Generally speaking, they were perfect shams, made up for an occasion to press the test upon such as they hoped would refuse. Merely for this the test was put to him, and upon his refusing it, he was put into the thieves-hole, and laid in the irons. Thus he continued, which meanwhile was most arbitrary and illegal, till the lords returned to Dumfries, and they passed a sentence of banishment upon him. By the entreaty of his friends, and the violence of those hardships, he complied at length, and took the test, and was liberate upon paying twenty pounds Scots of fees. And to give all I have anent him, in November next year he was cited to a court at Glencairn church, for collecting charity to the prisoners at Dunotter. He compeared, and when nothing could be proven against him, he was dismissed; but that same night a party of soldiers came to his house, with an order to take ten pounds, or the readiest of his goods to that value, for his wife's absence from the court, when he knew nothing of her citation, and further orders to carry him prisoner to Dumfries. With much difficulty he prevailed with them to take his bond, with his master cautioner, for a thousand pounds to appear at Dumfries when called.

At this same court at Dumfries, or some of the courts held by those deputed to examine the country parishes, a very extraordinary case fell in. Some country women were pannelled for being helpful to the wife of one of the persons alleged to have been concerned in the rescuing the prisoners at Enterkin-path, about forty eight hours after the rescue, when she was in very hard labour. The poor women, when interrogate upon oath, acknowledged they were assisting to the poor travailing woman, and were found guilty of reset and converse with rebels, and very narrowly escaped being sent to prison. This is a piece of barbarity not to be heard of among heathens.

When the lords were at Kirkcudbright, they fined, among others, William Martin, son to the formerly mentioned James Martin of Dullarg, in the parish of Partan in Galloway; and I shall end the accounts of the court in this district with some hint at his sufferings. Besides the severities exercised upon his father already mentioned, Mr Martin was put to considerable charges before the justiciary at Dumfries 1679, for pretended accession to Bothwell. In the year 1682, he was charged by a herald to compare at Edinburgh, and there seven times pannelled, and yet no probation adduced as to his being at Bothwell; yet he was forced judicially to renounce all the lands he was infefted in before the year 1679, and, as he himself observes, put to great charges through the knavery of his agents, and the covetousness of the public servants. This gentleman, in his subscribed account of his sufferings, now before me, says when he was at Edinburgh, Queensberry sent for him, and offered to buy the fortune which he had a right to by his marriage with the heritrix of Caroe, but offered so little, that Mr Martin refused to sell it at that rate. Queensberry in passion enough promised to make him repent it, and said, he found him in the Porteous rolls, and, if possible, he might lay his account with loss of life and fortune. His lordship being too strong a match for him, he says, he was forced to dispoise lands to the value of six hundred merks a year, for the sum of five thousand merks, which he reckoned of clear loss to him, six thousand three hundred and thirty three pounds, six shillings and eight pennies. In the beginning of this year, in his absence his wife was summoned, for his alleged baptizing a child with a presbyterian minister, and was presently forced to give bond for an hundred pounds Scots, which was paid. At several times he had eight dragoons quartered upon him, for some days, during this justiciary, colonel Douglas quartered upon him with forty four horsemen for some time, and being cited to the circuit at Kirkcudbright, and knowing the test was to be offered, he chose to withdraw, and was fined in absence in seven hundred pounds Scots, which he paid. From these instances we may

have some view of the procedure in this district. It is full time to 1684. come to that at Ayr.

I shall give an account of the proceedings of this commission of justiciary, with a council power, at Ayr, mostly from a narrative sent me by a gentleman of honour then present. The lords present were, earl of Marr, lord Livingstone, and lieutenant-general Drummond, afterward viscount of Strathallan, and they sat down, attended with all the freeholders, toward the beginning of October. After the rolls were called, and the heritors all present, each of the lords had distinct harangues, wherein they gave the freeholders to understand, "That whereas there were before them Porteous rolls, wherein were crimes of high treason laid to the charge of most, if not all the nobility, gentry, and freeholders of the shire of Ayr, and the shire in general lay under a very bad character of disloyalty and disaffection to the government, at court; therefore they out of compassion to the inhabitants of the shire, well knowing their impending dangers, and as their friends and wellwishers, advised the nobility and gentry there present, to consult among themselves, and conclude upon what method appeared to them most proper to evidence their loyalty to the king and his lawful successor, thereby to remove the suspicious jealousy and bad impressions the court had of them;" with more to this purposal. This was a handsome way to levy money by innuendoes, and to draw them into the test and other court measures. The propose. was gone into, and lieutenant-general Drummond, being alleged heritor by possessing the forfeited estate of Kersland, and professing more than ordinary zeal for the good and reputation of the shire, was desired, by the nobility and gentry, to do them the honour to assist them with his best advice and council. Without any ceremony he embraced the invitation; and when they retired to another room, he was soon chosen preses. And after a discourse much of a strain with that above, and under the greatest protestations of his friendship, and hearty concern for the peace and welfare of the shire, gave it as his advice, and the most proper way to evidence their loyalty, and

1684. obtain of the government an indemnity for their past crimes, was to make a voluntary offer to take the test; and then he was persuaded the lords commissioners would effectually interpose their interest that there might be no further prosecutions, and a full indemnity would be granted for bypast faults, excepting a few, the court had just ground to suspect, had proceeded further in disloyal practices than could well be indemnified. And, in regard there was then no standing law to administer the test to any such as were not ministers, and officers ecclesiastic, military, and civil, and therefore the lords commissioners could not legally impose it, he further gave it as his opinion, that all the noblemen, gentlemen and heritors there present, should petition the lords commissioners to do them the favour to administer the test to them, that they might have an opportunity to evidence their loyalty to the king, and to clear themselves of all disloyal practices.

Upon this proposal several noblemen, gentlemen, and others withdrew from the meeting, and others stayed, and made another motion to make an offer of some months' cess to be presently paid. After much reasoning, the overture of petitioning was gone into, and a form of a petition was drawn up. When this was writ over, with three doubles, and blank paper to each for subscriptions, one for each lord, and the three districts of the shire, the lords separated, one to the body of the kirk of Ayr, another to the aisle, and the third, I suppose, to the tolbooth.

The heritors of each district were called; and, after a new speech from each of the lords, aggravating mightily the danger they were in by the law, and yet signifying, that to evidence his majesty's clemency, and their own regard to the welfare of the shire, they had gone into a proposal, made (by one of themselves) to petition for the favour of administration of the test, and then proposed the question to every particular heritor in each district, "Will you sign the petition, or not?" Such who signed were dismissed, and the recusants ordered to stay where they were.

When the rolls were gone through, and the separation made, the lords retired and

ordered the recusants to be made prisoners where they were, by shutting the doors, and did not so much as allow those in the body of the church, to converse with those in the aisle, who were so pent up in that narrow place, that they were much straitened; yea, neither meat nor drink was allowed them, but what they got towed up by the windows; guards being posted at the entry, it was, it seems, resolved to starve the gentlemen into loyalty. I need scarce remark, in a period of so much illegal procedure, the unaccountableness and unwarrantableness of this method of arbitrary imprisoning gentlemen, who had received no indictment, and were guilty of no crime, save refusing to sign a petition, which they were at full liberty to do, or not to do, as they saw cause; and one part of the heritors doing it, being no rule or just cause, to make the refusers suffer treatment due only to villanous offenders. Thus they remained till the lords had dined, when, perhaps ashamed of this rude and indiscreet treatment of so many innocent persons of rank and quality, the commissioners came to a resolution to permit the gentlemen to come out, and confined them to the town of Ayr. And by a special favour, and with some difficulty it was, that Sir William Wallace of Craigie obtained, that some of his friends might have liberty to go with him to his house out of the precincts of the town, and yet within a cry almost to the tolbooth.

The commissioners proceeded next to administer the test to such who had signed the petition, and when these were called, some of them, upon second thoughts, did alter their mind, and refused it. This chagrined the lords so much, that though a little before they had owned, they were not authorized by law to press the test, the gentlemen refusers were immediately sent to prison, yea, some of them to that nasty place called the thieves-hole, as Montgomery of Bordland, a gentleman of a good family, and some others, where they were in a miserable case, and could neither sit, nor had room to stand upright.

When this is over, the recusants, pretty numerous, and of good quality and rank, had indictments given them, containing many crimes, some of which the persons

pannelled were perfectly incapable of. Some youths, who had no families, but lived with their parents, were charged with reset and converse. Others unmarried, or who had no children, were indicted for irregular marriages and baptisms, and the like. These indictments likewise contained matter for multitudes of ensnaring questions, to which the pannels were obliged to answer upon oath. To all the former illegal steps they added this: the indicted gentlemen were classed into several divisions, and as many of them as they saw good, were remitted to be examined by the officers and subalterns of Marr's regiment then lying at Ayr, several of whom, in a little time, quit the profession of the reformed religion, and declared themselves papists, as lieutenant-colonel Buchan, and some others. This was a subcommitting of their power without any just ground, and making the army lords commissioners. Upon the report of the subcommissioners, shall I call them? it appeared, several of the gentlemen were able to clear themselves of their indictments by oath, though others were not; yet all of them were treated as alike guilty, which was another odd step. And the lords called them all again before them, and made a new offer of the test to them, as the only way they would allow of, to clear their innocence in the alleged crimes, and by threatenings, promises and importunity of friends, not a few were prevailed upon, and the number of recusants was considerably lessened. Such who stood their ground, were afterwards one by one brought before the lords, and examined by the lord president of the day, upon their indictment, and the commissioners presided *per vices*. The pannel was still urged to take the test, and when they refused, though many of them were ready to clear themselves by oath of the particulars libelled, this was not allowed, but they were committed prisoners to the room in the tolbooth of Ayr, called the council-house. This room was perfectly crowded, and the gentlemen had no other shift for several nights, but to lie there, with their clothes on, upon some sort of beds on the floor, brought in to them by their friends. But in the day-time their lodging was yet worse,

for the season being cold, and the pannels' number lessened, the lords 1684. met in the council-chamber where there was a fire, and the gentlemen were turned out to the cold common prison, among a rascally multitude of soldiers and others. And there the gentlemen would have sometimes been so benumbed with cold, that when they offered to write, their hands would not serve them; yea, just above them was a large common room, where multitudes of the meaner country people were so crowded together that they had not room to ease nature but as they stood, and the nastiness came down upon these below. When by all those hardships for several days, the lords found none of them would be forced to swear an oath they reckoned self-contradictory, they at length were pleased to dismiss them upon exorbitant bail, above the value of their estates, to appear at Edinburgh when called. I have no accounts of any cess offered by the heritors of this shire.

Before this court all the presbyterian ministers in the shire of Ayr were called, who in the former years had been indulged, or were preaching sometimes with their indulged brethren, and the test was offered to them, which, I need not add, they refused. Upon this they were ordered to bind themselves, that they should exercise no part of their ministerial function, until the king and council gave them allowance. One or two, as my information bears, had clearness to come under that obligation, and were dismissed; but all the rest peremptorily refused such a tie, as a subjugating the ministry they received of the Lord, to the king, and they were sent to the Bass, and other prisons, where they endured no small hardships, of which I am sorry I can give no particular account. Thus a clear house was made of presbyterian ministers in the west, and the orthodox clergy were for some time delivered of those eye-sores. And this year also a good number of the best, and most conscientious of the episcopal clergy, were turned out of their charges for refusing the test.

The lords commissioners, by themselves and their substitutes dealt much with many of the country people to take the test, and erected a gibbet at the cross to frighten

1684. them, and pointing to it, would say, yonder tree will make you take the test. At this same rate they used to terrify young gentlemen. One day the earl of Marr, when going by the cross, pointed to the gibbet, and said to a young gentleman yet alive, from whom I have it, a recusant, 'Will not that shake your resolution?' 'No, my lord,' answered the other, 'if I am to be hanged, I expect so much advantage by my birth and quality, as to hang at the cross of Edinburgh, and betwixt this and Edinburgh I may think what to do.' As to the common sort, I am told they followed much the same methods used at Dumfries. All who were blamed for reset and converse, behoved to take the test immediately, or go to prison. They were likewise taken obliged to raise the hue and cry against all suspect persons.

I find in one written account of the procedure of this court, and it seems agreeable to their instructions, that they passed an act, discharging all to go out of their own parish, without their minister's testimonial, by way of pass; and all who wanted this were to be seized and imprisoned. The same information bears, that they discharged being at field-conventicles upon pain of death, and extended the act against house-conventicles, making that one, where there were two more than the family: but it is certain, they took up rolls of all who kept not the church, and charged all to be regular under the highest pains, and put all whom they had cited, and were absent, to the horn, and forfeited some, and filled all the prisons up and down the country with such as refused the test. And to end this general account, the lords, before they left the shire, disarmed all such who refused the test, not so much as leaving a pistol or walking sword. And many who were thus disarmed, were gentlemen who had signalized themselves in the king's service. Thus they treated that gallant as well as good man, whose memory is still savoury in the shire of Ayr, major Buntin. I am well informed, his services were so great and well known to the king, that he recommended him to his brother the duke of York in a very particular manner, when he came down to Scotland, as one he had a particular regard unto. And if this good man could have

gone along with the courses of this time, I know he might have had some of the highest posts in the army. And yet so insolent were those commissioners, that his very walking sword, and a pretty carabin he used to divert himself with, were taken from him, though this gentleman had never taken the tender, or in the least quitted the king's interests, when he was at his lowest; and my lord Livingstone's page had this sword given him, and wore it publicly in the streets. That gallant gentleman captain Hamilton of Ladyland, who afterwards died in defence of his country against the French,* was disarmed, and many others.

I shall end the account of the procedure of the commissioners at Ayr, with two instances of particular severities, the one of a sentence of death, and the other of fining and banishment. The first is a very affecting proof of the spirit of this time. A poor country man was charged with being at Bothwell; the account of whose trial I have from the forementioned person of honour who was present. Before passing sentence, the lord Livingstone president that day, told him, if he would answer one question the sentence should not be pronounced, and it was, "Do you own the king's authority, or not?" The man answered very distinctly, "My lord, I do own the king's authority so far as he acts by, and it is grounded on the word of God." The president said again, "I ask thee, man, dost thou own the authority, the authority of king Charles II. yea or no?" To which he replied again, "I do own the authority of king Charles II. as he acts conform to the word of God, and grounds his power thereupon." The question was several times repeated, but the honest man would give no other answer; and so the sentence passed, and he was ordered in a few hours to be hanged at the cross of Ayr. At the intercession of some ladies, indeed the poor man was reprieved, and carried into Edinburgh. But it must appear horrid in a protestant coun-

* Captain Hamilton of Ladyland in the parish of Kilbirnie, was the father of Hamilton of Gilbertfield the poet, author of a modern version of the "Valiant deeds of Sir William Wallace." and the correspondent of Allan Ramsay.—Ed.

try, or among Christians who own the Bible, to hear of a sentence of death passed upon a person in open court, and after deliberation, plainly importing an exemption of sovereigns in their actings, from conformity to the word of God, and supposing a power in them beyond, and without any foundation of a divine law.

The other instance I give, is of that singular person I have mentioned more than once before, Quintin Dick, feuar in Dalmellington; and I give it from his own papers. After a considerable struggle whether to appear or not, he at length determined with himself to obey the citation, lest his noncompearance should be reckoned contempt of authority, and he guilty of the things laid to his charge, or a favourer of the wild principles and practices some of the sufferers were falling into. When he compeared he had a libel given him, upon which he was interrogate next day, when, being asked if he conversed with rebels, he answered, he withstood the rising at Bothwell, as much as he could in his station, but after they were broke he supplied the party with meat and drink. Being required to swear upon the alleged treasonable positions, he said, rising in arms upon self-defence, and entering into leagues and covenants without the consent of the magistrate, were points controverted among divines and lawyers, and he could not take upon him by oath to determine them. And being required to take the oath of allegiance, he declared, he owned the king's authority in things civil, and was ready to swear it, but supremacy in things ecclesiastical was such an usurpation upon Christ's kingdom, that he was a better friend to the king than to wish him it. Whereupon the lords passed the following sentence upon him. Quintin Dick in Dalmellington being found guilty of converse with the rebels, of refusing to depone upon the treasonable positions, and refusing to swear the oath of allegiance, is fined in a thousand pounds sterling, and banished to the plantations in America." There follow in his papers several judicious and solid remarks upon this sentence, too long to be insert. He observes, that as to his converse with rebels, none were named in his indictment, and they had no

ground for it, but by his own acknowledgment that he had charitably supplied some of the fleeing party with meat when fainting, and if there was any thing in the law contrary to this, it is superseded by God's plain command. As to his refusing to swear upon the treasonable positions, he declares he hath much peace in it, and durst not by an oath condemn the practice of our worthy ancestors and many others. And as to the allegiance, he thinks no law obliged him to take it, and he could not swear the supremacy now joined with it, being persuaded, that the church of Christ hath a government in ecclesiastical matters, independent upon any monarchy in the world, and that there are several cases which no way come under the king's cognizance. Upon the back of this sentence, all his moveable goods were immediately seized, as appears by a commission, to Robert Crawford and John Speed messengers, by the lords, to intromit with them, and an assignation of them at the value of two hundred and seventy six pounds Scots, yet remaining. This good man's house at Dalmellington, was set apart for a public guard-house, for the soldiers to keep guard in as they went and came from Galloway. He was himself immediately cast into one of the most noisome holes in the prison, with thieves and murderers; and he notices, in very moving expressions, and with many suitable applications of passages of scripture, to the praise of God, and support of other sufferers, notwithstanding of age and infirmity, and the stink and filth of the place, and their crowd, so that they could scarce get standing, and multitudes of inexpressible hardships, he was not only borne through, but could glory in tribulation, and say, patience was wrought, and experience, and hope, and the love of God shed abroad, and he had a hundred-fold even in this life, beyond what the world could afford. After that he continued tossed from one place to another, from Monday to Saturday's night when about seven of the clock he was put into the guard, and carried on the Sabbath-day to Glasgow, and thence to Edinburgh, where he disclaimed the society people's declaration of war, before the council, and was examined by them

1684.

upon the very same points upon which
 1684. his sentence at Ayr run, and had the
 test offered him, which he peremptorily re-
 fused. He remarks, that he was sweetly
 supported of God, and much refreshed by the
 company of many worthy gentlemen in the
 prison; and as the sufferings of Christ
 grew, so consolations abounded by Christ.
 Thus he continued in prison till he was
 sent to Dunotter next year.

This knowing and judicious Christian,
 with a great deal of caution and exactness,
 states the grounds of his sufferings; and if
 the reader find as much pleasure, as I have
 done, in this extraordinary country man's
 account of matters, he will not grudge to
 read the state he made of things before he
 came to the court at Ayr, in his own
 words, though considerably shortened.
 He remarks, 'that our rulers from one
 step to another, had pushed their op-
 position to the presbyterian establishment;
 that in October 1684, they would allow no
 presbyterian minister to preach publicly or
 privately, and were now come to press
 bonds and tests, disclaiming all owning of
 presbytery, and binding to an entire subjec-
 tion to prelacy, and would oblige every one
 to search for and apprehend all who favour-
 ed that way, till they were utterly extin-
 guished. For those ends the court met at
 Ayr at this time. Now, says he, this con-
 formity to prelacy so strongly urged, was
 brought to every man's door. The most
 painful of deaths was more to be desired
 than imprisonment now, because of the
 throng and nastiness of the place, the
 dreadful company there; and particularly
 we were abandoned by friends who found
 clearness to make compliances. The fore-
 thoughts of these upon the one hand, and
 the fears of quitting in the least Scotland's
 work of reformation, brought me to a
 choke. Upon the one hand, disobedience
 to the law laboured under the reproach of
 alleged schism and separation from the
 church, affected vanity, singularity, bigotry,
 wilful weddedness to a party, and contempt
 of civil authority, and, if magistrates would,
 might be followed with utter ruin; and if
 I should conform, I could not free myself
 from the charge of backsliding apostasy,
 and abandoning the interests of Christ, and

rebuilding what in my place and station I
 was called and covenanted to destroy. In
 a word, I would be guilty of quitting an
 ordinance of Christ for a human invention.
 Many things darkened my case, and
 heightened my grief. The grievous divisions
 fallen in among the presbyterian party,
 some of them being for no preaching with-
 out the magistrate's allowance, others for
 ministers following their calling and com-
 mission from Christ at all hazards, and a
 few who stated themselves against all who
 would not come to their heights, in declining
 authority to the reproach of nonconformity,
 so that enemies represent all presbyterians
 as of those wild principles. This was one of
 the bitterest parts of my cup. But know-
 ing that the devil is now aloft in Scotland
 upon the one hand and other, to ruin the
 presbyterian interest, and cause of refor-
 mation, I found it my duty to bear my
 witness for it. Under this design it was a
 new damp to me, that a great many one
 way or other, after Scotland had attained
 such lengths of reformation, have owned
 the ministry of the prelatists, and join with
 them in ordinances. And now being
 necessitate to choose in this case, and
 either own prelatists as lawful ministers of
 this church, or give a reason why I cannot,
 in all humility and fear of God, without
 the least design of reflecting upon such who
 have freedom to comply, I give those
 reasons following. But in respect of the
 woful mistakes the difficulties of the time
 hath rendered presbyterians and every
 thing of this nature liable to, I take liberty
 in the first place to declare my judgment,
 anent that precious ordinance of magistracy
 and civil government. I own and avow
 magistracy as God's ordinance appointed in
 his word; and particularly, I own king
 Charles II. as my lawful king, and sole
 monarch of those realms, acknowledging all
 lawful obedience and subjection to him in
 the Lord, and disclaiming all and what-
 soever attempts against his royal person,
 and all libels favouring of contempt of his
 authority. But, in the next place, I must,
 in all humility, and with due reverence to
 authority, say, that I cannot give the active
 obedience required by act of parliament,
 anent owning and receiving of prelatical

preachers, as the lawful ministers of the church of Scotland; and that because I stand under an obligation before God and the world, to bear my witness for presbytery, in opposition to prelacy; and in respect I can by no distinction reconcile hearing and receiving ordinances, at the hands of sworn and avowed prelatists, with the allegiance I owe before God, for presbytery; I cannot, without violenting my own light, hear or own prelatists as the lawful ministers of the church of Scotland, and my reasons are; 1st, Our Lord Jesus Christ, the supreme and only head and lawgiver in his church, did appoint, in the person of his apostles, a perpetual ministry in his church, the sum of whose charge is both severally and jointly to take care, and oversee and feed the church of God, and the chief part and duty of such office is to preach, teach, and consequently rebuke, reprove, exhort, remit, and retain, bind and loose; in which things the heads both of doctrine and discipline, with their immediate power and warrant from Jesus Christ, are clearly held out independent upon any civil power upon earth, and to be exercised by a parity among themselves, our Lord himself peremptorily prohibiting all lordly domination amongst them, which accordingly his faithful apostles and ministers practised during their time, and left it so to the world's end by their example. 2dly, This church-government being a trust committed to the ministers of Christ, as well as the preaching of the word, and so an ordinance of Jesus Christ, is no more to be yielded than any truth of God. 3dly, Presbytery from Scotland's first delivery from the tyranny of Rome, has been the due right of that nation, and has therein been exercised by the sent ministers of Christ in parity, and recognised by the king and law, except some intrusions prelacy has unjustly made upon its rights. 4thly, Prelacy was brought to a judicial trial by the judicatories of this church, and found a human invention void of any warrant from God's word, and accordingly sentenced and cast out of this church, and thereafter this was ratified by act of parliament. 5thly, The whole kingdom in the full persuasion of presbytery's right,

and prelacy's tyranny and usurpation, became solemnly sworn for the maintenance of the one, and extirpation of the other, ilk man in his place and calling. Now, under these circumstances I can by no means reconcile the compliance required by law, with the allegiance I owe before God and man for presbytery." This may suffice for this excellent man, and I shall say no more as to the court at Ayr. 1684.

Let us now come eastward to the court held at Glasgow, where were present the duke of Hamilton, the lord Lundin, afterwards earl of Melford, secretary, and the lord Collington justice-clerk. So large accounts have been given of the two former districts, that I shall pass many things here wherein there was a coincidency. Upon the 14th of October they met. To that day, we find, Stirlingshire heritors were cited, and, I suppose, their meeting was opened with a sermon, as the sessions are in England; at least there is before me in print a sermon preached before them at Glasgow, and dedicated to them by Alexander Ross, D. D. and professor of theology at Glasgow. We have not many instances of this nature, and the reader, it may be, may desire some account of a sermon at such an occasion, and published by the command of the justices. The dedication gives us the professor's testimonial to the judges, and his account of their actings in this court, "That their incomparable zeal and dexterity, whereby they managed the court, was incredibly to the advantage of a decayed religion and loyalty in that corner." His text was Acts xxvi. 28. "Thou almost persuadest me to be a Christian:" but if the professor hath preached as he hath printed, which no body will question, I may apply Cowley's character.

"He reads his text, and takes his leave of it." And without offering at any thing explicatory or textual, he lays down this scheme, which, how well it agrees with Mr Cowley's character, the reader will judge. "I will," says he, "1st. show the different parties of our divided Zion. 2dly. The malignancy of the national sin of schism. 3dly. The necessity of episcopacy for supporting the main concerns of Christianity. Lastly, The application." One cannot help thinking he

1684. might fully as well have chosen Gen. i. 1. for a text for this subject. Indeed to those he premises a general account of Christianity, as he calls it, that he might have a hit at the disfigured faces, and hideous tones of some people, and every body knew whom he would have been at; and then he charges with being the occasions of the nation's heavy taxes, and paints them out as the authors of all the confusions, rebellions, assassinations, and daily tumults in this kingdom; and after a great many ill names of the declarations at Sanquhar, Rutherglen, &c. he gives a broad innuendo upon the reformation, complaining, that the nation lies under the reproach of ruined cathedrals, and metropolitcal sees; and then in his deep oratory, descants upon bishop Sharpe's monument; and after some dry satire upon the remaining inclinations of so many towards presbytery, he handles the evil of the sin of schism, and by some thread-bare arguments, a hundred times answered, the doctor endeavours to show the usefulness of episcopacy to remove schism, heat, and many ill things in the church of Scotland, since her reformation by presbyters. And for application, after he hath taken notice how unsuitable it is for an evangelical pastor to whet the sword of justice, and press severities, he comes gravely to tell the judges, that they will be justified in whatever severe methods they find proper, by the malignancy of the present schism, and the inveteracy of the distemper; and presses them to take the harshest ways with such as threaten the very extinction of Christianity; and concludes with acquainting them, the church is like to suffer more from her present enemies, than ever she did from Nero and Dioclesian. I wish, by this time, the reader be not outwearied with this fulsome account. Here the native spirit of the orthodox clergy breathes freely; and after he hath painted out the persecuted party and presbyterians, in the most odious colours, and when he hath wiped his mouth, and condemned himself in what follows, he plainly hounds out the judges to wholesome severities, and tells them, though they come the length of persecution, it is no more than the schismatics deserve, being worse than Nero and Dioclesian. After the teaching

and breathing out so much cruelty and severity, in so public a manner, I wish, for their own sakes at least, the prelatie party would be a little less clamorous upon the extremities and excesses some few of the sufferers were at this time driven to, by the oppression thus preached up upon them.

We heard, in the beginning of this section, that the shire of Stirling was adjected to this district. Accordingly, the heritors of this loyal shire attend, and give in the following petition or address.

Unto the honourable lords commissioners of his majesty's honourable privy council, the humble address of the heritors of the sheriffdom of Stirling, convened by your lordships' warrant,

Showeth,

"That whereas your lordships were pleased to ordain us to convene among ourselves, to consider what course we should propose or suggest, for securing the peace and order of the country; in obedience thereunto we convened, and having considered your lordships' proposals, we find ourselves so much obliged, in duty and conscience, to obey his sacred majesty and government, and those intrusted by his majesty therein, as we would not presume to make our propositions, except in so far as we do all unanimously declare our utmost, dutiful, and absolute submission to, and compliance with his majesty's authority and government, as it is now established, and our utmost detestation and abhorrency of all rebellion, rebellious practices and principles, assistance thereof, connivance therewith, or whatever may tend thereunto; and that we are willing at all times, and by all means in our power, to witness the same with our lives and fortunes, and that we are and shall be ambitious of all occasions and opportunities, by which we may express the same; and of which, we humbly presume, we gave such testimony, as we could, in the time of the late rebellious insurrection, when none of our heritors of any value was absent from his majesty's host, and our militia regiment of foot, in as good order as most of the kingdom, in obedience to his majesty's commands, sisted themselves at Stirling,

to do their utmost in his majesty's service. Nor can it be instanced at any time, that any shire in Scotland has been more forward and ready, according to their power, in his majesty's service, than we have been. And though, in the late rebellion, a very few inconsiderable persons, never looked on as gentlemen in our bounds, followed the rebels; we humbly expect, from the justice and clemency of his sacred majesty, and the government, that their fault, so much abhorred by us, should not be imputed to us. Whence, we cannot conceal from your lordships, the grief and anxiety of our minds, in being now classed and ranked with the other places of the country, chief actors in, and compliers with the late rebellion, and other disorders, who were long since out of their just jealousy of their disaffection to the government, disarmed by public authority. But having a deep sense of our duty to our sacred sovereign, his authority and government, and of his sacred majesty's benignity and favour to his loyal subjects; and also considering our own innocence, and good affection to his majesty and all his concerns, we all declare ourselves ready and willing, for further securing the peace of the kingdom, and strengthening his majesty's government, to contribute, in all submission and humility, in the supply of three months' cess yearly, for two years ensuing, to be paid at Martinmas and Whitsunday next, by equal portions, over and above the supply granted by the current parliament, with the charge of standing militia, horse and foot, or any other supply in our power, to his majesty's government, that may not import on us a mark of distinction from others his majesty's most dutiful, most loyal, and affectionate subjects; and we promise to attend ordinances dispensed in our parish churches, notwithstanding of the latitude given by the acts of parliament every Sunday, so far as possibility and conveniency can allow, and our absence shall neither be wilful nor contumacious. In which terms, we humbly expect, that this our cheerful offer shall not be understood as extorted from us, out of any sense of hazard we apprehend ourselves in for delinquency. And we humbly, cheer-

fully, and heartily offer our support and concurrence to his majesty's government, and quiet in the country; in manner foresaid." 1684.

I doubt not but this address, intermixed as it is with a vindication of themselves, was well received by the lords. I find nothing of such offers from Lanark, Renfrew, and Dumbarton; and ere I leave this head of the offers made by the shires, it may not be unfit to observe, that the council, by their act December 3d this year, "restrict the offers made by the shires to three months' cess, till they further consider them, and appoint them to be paid all within a year, because they say the parliament is shortly to meet." Whether they extend this three months' cess over the whole nation, or restricted it to the shires named, I know not, but it is plain they inclined to have it all, and as soon among their hands as might be.

The lords commissioners at Glasgow, likewise had a bond of regularity delivered in to them by the Stirlingshire gentlemen, signed by their hands, which deserves a room here, and it contains an obligatory clause for the offered cess.

Bond for regularity, signed by the shire of Stirling, October, 1684.

"We undersubscribers, noblemen, heritors, and others, within the shire of Stirling, for testifying our deep sense of duty to our most sacred sovereign the king's most excellent majesty, and from our abhorrence of rebellion, and rebellious principles, irregularities and disorders, and to evidence our firm and constant resolutions to adhere to his majesty, his heirs and lawful successors their interests, and to contribute our utmost endeavours to employ our lives and fortunes for his security, and the peace of the government, and the extirpation of every thing that may tend to the disturbing thereof, bind and oblige us, and ilk one of us, for ourselves, our families, tenants, subtenants, cottars, and servants, that we and they shall live regularly and orderly, according to the act of parliament, and shall not connive at any disorder, but, to the utmost of our power, shall repress the same, by taking and delivering the offenders to justice, if in our

1684. power, and shall give timely notice to the next magistrate or officer of his majesty's forces, and shall assist and concur with them, for taking, apprehending any fugitives, vagrant preachers, or such as reset, assist, or maintain any such; and that we shall not harbour, reset, or maintain any rebels, fugitives, or intercommuned persons, nor suffer any such to be upon our grounds or estates. And further, we, and ilk one of us, bind and oblige for ourselves, our families, tenants, subtenants, and cottars, duly and orderly, and ilk Sunday to frequent our own parish churches, unless we have a reasonable excuse to impede us therefrom; and shall partake of the holy sacrament of the Lord's supper, whenever the occasion offers, unless we be able to give satisfaction to our ministers, of our present unfitness to partake of that holy ordinance. And such of our tenants, cottars, and servants, as live upon our lands and heritages, as shall refuse to partake of that holy sacrament, without a reasonable excuse to satisfy their minister, as said is, and shall be complained of to us by our ministers, we shall deliver up their persons to the ordinary magistrates, to be punished according to law, if in our power, or shall remove them from off our lands and heritages; and that we shall not baptize or marry but with our own parish ministers, without their allowance: and we bind and oblige us, and ilk one of us, to perform the premises, and every part thereof, under the pains and penalties due to such crimes as we shall connive at. And we shall behave ourselves as loyal and faithful subjects, by declaring and discovering what may tend to the disquiet of the kingdom, or disturbance of the peace thereof, any manner of way; and that we shall not rise in arms against his majesty or his authority, or his heirs and lawful successors, but shall defend the same with our lives and fortunes. And as a further evidence of our loyalty and sincerity in the premises, we hereby bind and oblige ourselves, our heirs and successors, to pay into his majesty's treasury, or any who shall be appointed to receive the same, for his majesty's use, three months' cess yearly, over and above the cess imposed by the current parliament, and that for two years, payable at two terms in the year, Martinmas and

Whitsunday, by equal portions, beginning the first term's payment, being a month and a half month's cess, at the term of Martinmas next, and so forth to be continued termly, aye and while the expiration of the said two years. And we are content and consent, that all diligence pass against us, for inbringing thereof, as may pass against us for the cess imposed by the said parliament. In testimony whereof, &c."

Nothing can be more extensive than this bond of regularity, and it reached farther than any paper of this nature I have seen, and effectually secured the payment of the cess, and the carrying on the persecution in this shire, the two great things the lords had in view. Whether such bonds were signed in the other districts, I know not, but it is not improbable that the same method was followed through them all.

I should now come forward to the particular instances of their severity at Glasgow; their chief work was among the heritors in Renfrew and Lanark, and good numbers of them by no means could be brought up to take the test, and their treatment of them will come in upon the succeeding section, so that my work will very much shorten here. The persons delated by the curates and their elders, as we have heard, in every parish within this district, were called, and such heritors who refused the test, and others who declined taking the bond of regularity, were imprisoned. Instances in every parish could be given, but they would be endless; and therefore I shall point but at a hint or two in every shire.

In Lanarkshire, from the parish of Evandale, I find about thirty six of the common sort imprisoned at Glasgow for refusing the test and bond, which by no law they were obliged to take. Their names before me would take up too much room; and this besides the four gentlemen from that place, imprisoned with the others who fall in next section, Netherfield, Overton, Browncastle, and Bannantyne of Craigmuir. Most part of the common people continued in prison at Glasgow and other places, upwards of half a year, and many of them were sent to Dunnotter, Blackness, and other places. From the parish of Cambusnethan, the two fore-

mentioned gentlemen, Allanton and Hartwood, with good numbers of the common sort, appeared before this court. The gentlemen refusing the test were remitted to Edinburgh, and had their share, with the rest to be mentioned, of sixteen months' imprisonment, to the great hazard of their health, and prejudice to their estates. Their rents were all arrested, as was done, I think, unto all the gentlemen in prison, by which their families were reduced to straits great enough. William Dalsiel of West Redmire, in the same parish, upon his refusing the test, was made close prisoner in Glasgow tolbooth, and, through the hardships he underwent there, in a little time he died. No moyen could prevail to get him out of prison during his illness; and when dead, it was with great difficulty that his friends were allowed to carry his body to the sepulchres of his fathers in Cambusnethan church-yard. Informations before me bear, that two hundred of the smaller heritors, belonging to the district of Glasgow, were, for refusing the test and bond, banished to the plantations. The greater heritors were remitted to Edinburgh, and, as we shall hear, received indictments as to converse, reset, and relieving the sufferers, and church disorders: all which were referred to their oath for probation; and they fined above the value of their estates. I find, that the rude soldiers haled several sick and weakly women into Glasgow at this time, for their not hearing of conformists, some whereof died in a few days after they were put in prison, such as Agnes Livingstone in Kippen parish. I shall end this account of the treatment of suffering presbyterians at this time, with an attested narrative of some very honest people in the parish of Lochwinnoch, who were banished by the lords, and most barbarously treated after sentence, much in the words of the sufferers, some of whom are yet alive attesting this. They observe, that a little before the lords came to Glasgow, a sabbath or two, John Marshall sheriff-officer, made intimation at the church-door of Lochwinnoch, that all heritors, how mean soever, should compear before the lords. The persons underwritten and others, accordingly went into Glasgow, and waited several days before they were called; and yet some of the

company were so poor, that they had scarce whereon to sustain themselves. 1684. At length they were called, and, as they answered to their names, the test and bond of regulation was put to them, and the oath of allegiance with the supremacy intermixed with it. Upon their refusal to swear, and to sign, they were cast into prison, where they lay twenty days. The throng was so great, that they could not lie down upon the floor all at once, but did this by turns. They were a second time called before the lords, who passed a sentence of banishment on them to the plantations. This, they say, they were very glad of, for they choosed banishment rather than an appearance before the lords, where they knew the escaping of one word would hazard their lives. And, November 1st, Robert Orr of Millbank, James Allan portioner of Kerse, John Orr of Jamphreystock, James Ramsay portioner of Auchinane, John Orr of Hills, Robert Sempill of Balgreen, William Orr portioner of Keam, and Robert Blackburn of Landiestone, these belonging to Lochwinnoch, and all of them heritors, were carried in hard frost and snow to Stirling on foot, with about forty other prisoners. There, though very weary, and without any refreshment, they were forced into three low vaults, some steps under ground, without fire or light, or any thing to lie on, and no place to ease nature in, but the corners of the vaults. Indeed they met with no small kindness from some good people in the town, who brought in straw to them to lie on, and coals for fire, and some sent meal and money to them, which was a great relief. They were made to believe, that very soon they were to be sent off to the plantations, and accordingly they sent to their friends in the west for some money to take with them, which was sent as far as could be done in a short warning. Whether this was a trick of the soldiers, that they might finger any little money they could get, I know not; but no sooner did it come up to them, but a serjeant, named John Downie, in Bell's company in Marr's regiment, by order, as he said, from the earl, came to the prison with a party of soldiers, with kindled matches. The town-officers who kept the keys

1684. were caused open the doors, and the serjeant with the soldiers went in and searched them, and took all their money from them; from Robert Blackburn, thirty seven pounds, Robert Sempill as much, Robert Orr fifty merks, James Ramsay eighteen pounds, John Orr three ducatoons, John Orr in Hills eleven full dollars. It is not minded what was taken from the rest of the prisoners. When the soldiers were robbing them of their money, the prisoners earnestly begged they might leave them some small part of it for their present maintenance, and accordingly some little was given back to each, and the soldiers left them, but came back within half an hour, and took it again; and though they should have starved would not allow them to keep one farthing. They remained in Stirling till May, when they were taken out, and tied two and two with cords, and sent into the Canongate, where they lay some time, and some of them were sent to Dunotter, where we shall afterward hear of their hardships; and all this they with multitudes of others endured, merely because they refused the test and bond, which by no law could be forced upon them. This may suffice for giving some view of those council and justiciary circuit-courts, in October this year.

SECT. VI.

Of the exorbitant fining and long imprisonment of a considerable number of gentlemen after those courts, November and December, 1684.

WHEN I was designing to have cast in the accounts of these excellent gentlemen's sufferings, with those last mentioned, they swelled so much upon my hand, and the circumstances seemed so singular, that I could not but think they merited a section by themselves. The gentlemen whose singular hardships I am entering upon, were, for quality, peaceable behaviour, good sense, and singular piety, behind none in the nation. And they were the remains (after many deaths, and upward of twenty years' severity) of those of their rank in the west-country who had stood firm to the presbyterian interest;

and yet had managed themselves with that temper, caution and prudence, as the government could not reach them, till this self-contradictory test came about, and even that could not be legally forced upon them, and then cheerfully they chose the reproach of Christ, and affliction with the people of God. And when matters came to be so stated, that they behoved either to suffer or sin, the choice was easy. Their reflections on it since have been comfortable, and their memory will be savoury, while the hardships put upon them will remain a lasting stain upon this government. Many of them, if not all, were before the courts at Dumfries, Ayr, and Glasgow, and there upon sham indictments, either sent prisoners to Edinburgh, or obliged to find bail in exorbitant sums, above the real value of their estates, to appear there. In November they appeared, and were imprisoned, most of them fifteen months, and some of them longer.

I am sorry that at this distance of time, I cannot so much as record all their names; severals from Ayrshire and the south have not come to my hand; but these following in about this time, were sometimes close prisoners in the tolbooth, and sometimes in the castle of Edinburgh, and so harshly dealt with, that when some momentous affairs, and the sickness and death of some of their nearest and dearest relations pleaded for a week's interval upon bail for whatever sums the managers pleased, it could not be granted. From the shire of Renfrew, Sir John Maxwell of Nether-Pollock baronet, since the revolution privy counsellor, and now for twenty years one of the senators of the college of justice, and during some years justice-clerk; the lairds of Craigends elder and younger, the laird of Duchal, the laird of Fulwood, Zacharias Maxwell of Blawarthill brother to Sir George Maxwell of Nether-Pollock, James Pollock of Balgray, John Caldwell of that ilk. From the shire of Lanark, the laird of Allanton, the laird of Halcraig, since the revolution one of the senators of the college of justice, Mr Andrew (since Sir Andrew) Kennedy of Clowburn, some years lord conservator, the laird of Overton, the laird of Hartwood, James Young chamberlain of Evandale,

the laird of Browncastle, Mr John Bannantyne of Corehouse, since the revolution minister at Lanark, Bannantyne of Craigmuir, and the laird of Bradisholm. From the shire of Ayr, Sir James Montgomery of Skelmorly, Sir Adam Whiteford, Cunningham of Ashen-yards, and several others not come to my hand. From Dumfries and Galloway, Mr Hugh Maxwell of Dalswinton, and the laird of Balmagechan. And whether it was at this time or not precisely, I cannot say, but it was much upon the same score, that the following gentlemen from the Merse, some of whom have been hinted at formerly, were exorbitantly fined; the laird of Riddell, the laird of Greenhead, the laird of Chatto, the lord Cranston, Sir William Scot of Harden, senior and junior, the laird of Wall, with severals from other places. Let it be once for all observed, that if those worthy gentlemen had had throats wide enough for the test, the taking of it would have purged them from all the crimes charged upon them, contributing for Argyle's supply charged only upon a few of them, reset and converse with rebels (for actually joining in the rising was not pretended, many of them being with the king's host, and all of them of known loyalty) and church irregularities. But rather than take a contradictory oath, they would all suffer to the utmost. Their case was in short this. They had been once and again in the Porteous rolls, and no probation found against them, and their diet deserted. Now they are charged with high treason, as guilty of reset and converse with such as had been at Pentland or Bothwell, which was the case of every body in the west and south. They had no probation against them but what would equally have levelled at all, and many of the managers themselves, and therefore they would not proceed in a criminal way with them except in Duchal's case, but the advocate restricted the libel to an arbitrary punishment, and passed from the capital pains of treason; and thus by the letter above set down, impetrate from the king, the heads of their libel were referred to their oath, and the test, which could not be imposed on them, was offered to them, and upon their refusing to

swear upon their libel, and take the test, they were fined above the value 1684. of their estates. In a word, they were a set of worthy, pious, and peaceable presbyterian gentlemen, who, for upward of twenty years, carried so loyally, as that they could be reached by no law then in being. The test did not come to their door by act of parliament, they being in no places of trust. The managers, having felt the sweet of former forfeitures after Pentland and Bothwell, had a mind for their estates. The gentlemen could not be reached that way, and yet *viis et modis* the managers would be at them for their constant regard to presbyterians, and their good estates; therefore indictments and libels are trumped up against them, and the test offered, which they knew they would never take, to keep the prosecutors in some countenance, and then, as disloyal and suspect persons who would not take the test, the council fines them in prodigious sums equal to a forfeiture, and above the real value of their estates.

The case of those worthy sufferers being, generally speaking, much the same, it will be needless to narrate each of their processes, and indeed I want distinct narratives of several of them; I shall then give some hints from the council-registers, and original papers some of them have been pleased to communicate with me, and from these the reader will be in case to form a notion of the unaccountable and arbitrary procedure of the managers with all of them. And it may be proper to begin with that singularly pious and worthy gentleman, John Porterfield of Duchal, whom I have before had occasion to mention in the former part of this work; and I shall give a narrative of his persecution from the public registers, and some other original papers.

November 20th, I find the council order the advocate to insist against Porterfield of Duchal before the justiciary, for high treason, and they allow him lawyers to plead. This process against him, was to strike terror in the rest of the gentlemen, for they had no more against him that I can observe, than against some of the rest, and to bring them into their measures. He is not brought before the criminal court till November 29th; the reason, I suppose, of the delay was the

1684. declaration of the lords of session, presently to be insert, which could not be got made up till this time, and was so justly surprising, and made much noise when it appeared. It seems his sentence of death was preconcerted before the justiciary sat; for in the council-registers, November 28th, I find as follows, "The council recommends to the lords of justiciary to leave the day and place of Duchal's execution to his majesty. November 29th, John Porterfield of Duchal, is indicted for high treason, rebellion, and reset and converse with rebels. "In so far as he did not reveal Sir John Cochran's proposal for charity to the earl of Argyle, and as he did converse with and reset his brother Alexander Porterfield, forfeited for accession to Pentland, and that he harboured George Holms, who had been at Bothwell, upon his ground." Those are the horrid crimes this worthy person must be brought under a sentence for, which, when we have heard the gentleman's defences, nobody will reckon crimes, far less capital ones

With the libel, the advocate produces the query he had proposed to the lords of the session, and the solution of it signed by them, as the judgment of the most eminent lawyers to evince the relevancy of that part of the indictment, which deserve a room here, as what, it is to be hoped, none of their successors upon that learned bench, will ever find again; this being unto all unprejudiced people, at least *summum jus*, if not *summa injuria*.

Edinburgh, November 28th, 1684.

"The said day anent a query proposed by his majesty's advocate to the lords of council and session, by command of the lords of the secret committee. It being treason by the common law and ours, to supply and comfort declared traitors, and it being treason by our law to conceal treason. *Quæritur*, whether Sir John Cochran having asked of Porterfield of Duchal, who was not related to the late earl of Argyle, the sum of fifty pounds sterling for the said earl's use, being a declared and notour traitor, and Duchal not having revealed the same to his majesty or his officers, whereby the prejudice that might have followed thereupon

might have been prevented, is not the foresaid concealing and not revealing, treason?

GEO MACKENZIE.

"The lords of council and session having considered the *facti species* proposed in the foresaid query, it is their judgment, that the concealing and not revealing in the case foresaid, is treason."

Perth, Cancel.
David Falconer,
James Fowles,
J. Lockhart,
David Balfour,
James Fowles,
J. Seton,
J. Murray,

Roger Hogg,
J. Wachop,
A. Bernie,
J. Stuart,
P. Lyon,
G. Mackenzie,
Pat. Ogilvie,
Geo. Nicolson.

In this answer the whole of the lords of the justiciary (almost) three or four at least deliberately give their judgment anent the chief part of the matter in debate in Duchal's process; and it may be considered how far in equity persons who have already given judgment, can give it over again. It is certain they could not but condemn the gentleman, unless they should condemn what they themselves had signed under their hands. I have not observed the debates of any advocates in this process, for indeed it was fruitless almost to reason upon a matter already concluded upon. However, I shall here set down Duchal's own thoughts of his case, which he drew up at the time, and, if I mistake not, gave in to the court, and resumed it before the assize; and it is as follows.

"John Porterfield of Duchal, is indicted for reset and converse with his own brother Alexander Porterfield of Quarrelton, whereas the said Alexander being forfeited for his accession to the rebellion 1666, and his estate being sold, and disposed by the exchequer, the said Alexander after some years did come and live peaceably within the shire of Renfrew, and long before the time libelled, did go publicly to kirk and market, behaving himself as one of his majesty's free lieges, by conversing with his majesty's subjects of all ranks, such as privy counsellors, the sheriff of the shire, and the officers and soldiers of his majesty's forces; so that private subjects could not but conclude, he was indemnified, and his own brother was not more to abstain from converse with him,

than those abovementioned, especially seeing he did compear before the ordinary courts of judicature, particularly the sheriff court of Renfrew, sometimes as pursuer, sometimes as defender in sundry actions; yea, did actually compound with the sheriff of the shire, for a fine of irregularities in not keeping his own parish-church, and received his discharge for the same. Moreover, he did ordinarily frequent his own parish-church, when there was a regular incumbent, and frequently conversed with the said minister; he was frequently invited, and present at most part of the burials within the shire, where he had access to converse with all ranks, and repaired to markets within and without the shire; and lastly, did assist and help to settle the soldiers in their quarters and localities, and did entertain them even at his own house. As to the harbouring of George Holms, the plain truth is, the said George went away without arms, and returned so without being noticed; but so soon as I was informed that his name was in the Porteous roll of the court at Glasgow 1679, though he was neither cottar, tenant, or servant to me, yet I caused his father put him off my ground. Thereafter he compounded, first with Kennoway the donatar for his moveables, and thereafter with the sheriff-depute for his peaceable living, at which time he took the bond of regularity, and had a testificate thereupon. Notwithstanding I would not entertain him, so that he listed himself a soldier in the standing forces. All which is offered to be proven. As to the last point of the libel, the truth is, Sir John Cochran did make a very overly motion to me, for fifty pounds sterling by way of charity to the earl of Argyle, which I refused; and in regard the motion was proposed so trivially, I thought it not worthy to be communicate, nor could I prove it, had it been denied, neither in construction of law can it infer the things libelled."

This plain and naked representation of Duchal's case, gives us a new view of the wretched stretches now made to find persons guilty, and could not but fully satisfy all disinterested persons of the gentleman's innocence; but who can stand before envy and covetousness? therefore, notwithstanding

of this fair stating of the matter, the lords give their interlocutor as to the 1684. relevancy. "The lords having considered the libel pursued by his majesty's advocate, against John Porterfield of Duchal, find it relevant as it is libelled, viz. that he entertained, harboured, and reset on his ground, George Holms a declared fugitive for treason, and conversed with and reset his brother a forfeited traitor; as also, that he concealed, or not revealed the treasonable proposal made to him by Sir John Cochran, for supply to the late earl of Argyle, *separatim* to infer the crime and pains of treason, and remit the same to the knowledge of an inquest."

When the assize was called and sworn, the advocate for probation adduced the pannel's judicial confession, signed Edinburgh, November 17th, 1684. "The which day, John Porterfield of Duchal confessed and acknowledged that Sir John Cochran of Ochiltree, some time in the session, in the end of the year 1682, or beginning of the year 1683, having met with him in the burgh of Edinburgh, the said Sir John proposed to him to give fifty pounds sterling for the relief of the late earl of Argyle, and that he refused to do the same. Confesseth he told this proposition to Craigends elder, and that Craigends had told him the like proposal had been made to him.

"PORTERFIELD."

"And the said John Porterfield being again interrogate in the presence of the assize, if he had conversed with, harboured and reset his own brother Alexander Porterfield, a forfeited person, and also whether George Holms a fugitive, had dwelt and resided upon his ground, and if Sir John Cochran had made the proposal to him mentioned in the dittay, and that he had concealed the same from, and not revealed it to his majesty's privy council, or others in authority under the king, he declares, he had already told what was fact in these matters, and submitted to the king's mercy, and entreats the lords may represent his case favourably.

"PORTERFIELD."

Thereupon the assize withdrew, and

1684. soon brought in their verdict. "The assize having chosen Sir John Dalmarhoy their chancellor, all in one voice find the pannel John Porterfield of Duchal guilty, by his own confession, of conversing with, harbouring, and resetting Alexander Porterfield his brother, a forfeited person; as also for harbouring on his ground George Holms a fugitive; and siklike of concealing the proposal made to him by Sir John Cochran, for supplying the late earl of Argyle, a forfeited traitor.

"JOHN DALMARHOY."

Upon the return of which the lords, only two are in the sederunt, John Drummond of Lundy, and Lord Collington justice-clerk, that same day pass the following sentence. "John Porterfield of Duchal, as being found guilty, by an assize, of the crimes of treason mentioned in his indictment, is decerned and adjudged to be executed to death, demeaned as a traitor, and to underly the pains of treason, and utter punishment, appointed by the laws of the realm, at such a time and place, and in such a manner, as the king's most excellent majesty shall appoint; and ordain his name, fame, memory, and honours to be extinct, his blood to be tainted, and his arms to be riven forth and delete out of the book of arms, and thrown in his face; so that his posterity may never have place, nor be able hereafter to bruik or enjoy any honours, offices, titles, or dignities within this realm in time coming, and to have forfeited, amitted and tint all and sundry his lands, heritages, tacks, steadings, rooms, possessions, goods and gear whatsoever pertaining to him, to our sovereign lord's use, and to remain with his highness in property. Which was pronounced for doom."

Duchal was most sedate and patient under his trial, and bore all with a Christian spirit. His honour as a gentleman, and loyalty as a subject, stood full and entire; his conscience did not reproach him, all was peaceful within, and God smiled upon him. Thus nothing men could do did ruffle him. When he was to receive his sentence of forfeiture and death, he was asked, as usual in some cases, what he had to say, why it should not be pronounced. His return

was, My lords, I have little to say, I pray the Lord may save the king whatever come of me. Which showed him to be a better Christian and subject than such who persecuted him. His sentence drew compassion and tears from many of the onlookers, to see so good, old, and innocent a gentleman exposed to such hardships for imaginary crimes; yea, the hard measure he met with was regretted by some persons in the government, after it was over; and I am well assured, that even Sir George Mackenzie used to cast the blame of this procedure off himself, and term Duchal my lord Melford's martyr. And such was the equity of those times, that the very person who was his judge, had got a previous promise of his estate, which was in due time made good; and July 1686, by the king's gift the earl of Melford was made donatar to his personal and heritable estate, so that he had more reason than any body to find him guilty.

Such instances as this verify the black character, a person of merit and honour gives me of this period. "This was a time when stretches of obsolete laws, knights of the post, half or no probation, malicious informers, scandalous rogues, and miscreants, were the government's tools to ruin men of estates, honour, and principle." But the Lord hath reserved us for happier times, and we have seen this plot I am describing, against the protestant interest, unravelled, and these sanguinary laws happily rescinded; and the opinion given by the lords of session in this gentleman's case, and relative to others of his fellow-sufferers, hath been since the revolution solemnly declared contrary to law in the claim of right; and this sentence of forfeiture, with the act of parliament *ex post facto*, ratifying the same next year, was in a better parliament rescinded, whereby in part justice was done to this good man and his family. But before this happy turn came, Duchal was obliged to transact with the earl of Melford, and give him sufficient security for fifty thousand merks, and a gratuity of an hundred guineas to his lady; and the half of the sum was paid to him, though Duchal was his very near cousin; of so little weight now were the ties of blood and friendship;

but the revolution happily prevented the payment of the other half. Let me further remark, before I leave this excellent gentleman, that the principal informer against him was John Maxwell of Overmains, a near relation and neighbour of his own. This poor man, after he had fallen into the crimes of adultery, and, I think, murder too, could think upon no method so proper to save his life, and ingratiate himself with some in the government, as to turn informer, hoping thereby, as he himself afterwards confessed, to share in the plunder; but he was disappointed, and his family is now plucked up by the roots. Indeed I could give many instances, if this work were not already swelled exceedingly beyond the bulk I designed, of the just steps of holy and righteous providence, punishing the authors, promoters, and tools of this heavy persecution I am describing. Very few of them have escaped remarkable strokes in their persons, estates, posterity, or reputation; and multitudes of them are now cast out of their houses and heritages, and they and theirs reduced to beggary; others of them have fled the sword of justice, and wandered as vagabonds in foreign lands. The case before us is an undeniable instance of a just retribution. The family of Duchal, in this period devoted to destruction, at this time are not only in possession of their own paternal estate, but by a purchase have acquired the estate of John Maxwell of Overmains.

I come now forward to give some account of the rest of the gentlemen who were dealt with in another manner than Duchal, and in noways terrified, by this rigorous procedure against him, to quit their principles; and standing their ground were fined in sums equal to a forfeiture, without the formality of a criminal process, or sentence of death.

November 28th, by the council books, I find "Warrant granted to cite Sir John Maxwell of Pollock, Cunningham of Craighends elder and younger, Porterfield of Fulwood, Caldwell of that ilk, Zacharias Maxwell of Blawarthill, and Mr James Pollock of Balgray, to appear before the council upon the second of December." They had all given bond at the court at Glasgow in Oc-

tober, to compear at Edinburgh in 1684. November. I find, November 20th, by the registers, Fulwood appears upon his bond, and is ordered to be imprisoned. I observe none of the rest in the registers till their citation, but suppose they all compear-ed and were imprisoned.

I may well begin with the lord Pollock as first in the summons, a gentleman of good quality, and of a very old family, as well as of shining integrity, probity, and piety. He is yet alive, and his own modesty, and my relation to him, forbids me to say what I could and would of him. An heart-regard for the presbyterian interest, as well as a bright pattern of suffering for a good conscience, was handed down to him by his excellent father Sir George Maxwell, whose noble example it is his care most closely to follow. My lord Pollock had before this met with many smaller attacks from the sheriff-depute, for irregularities ecclesiastical, and keeping suffering ministers in his house. We have heard of his being put in the Porteous rolls, and of his imprisonment and other trouble he was brought unto, till his diet was deserted *simpliciter*. And yet for the very same old pretended crimes of reset and converse, for no other thing could be charged against him, upon his refusing to swear upon this libel, and declining the taking of the test, the council fine him in the swinging sum of eight thousand pounds sterling; and he refusing to pay this extravagant and arbitrary fine, continued sixteen months in close prison. Afterwards he got a composition made, and paid a great sum, and gave bond for a greater, and was at vast charges before matters could be brought even this length. This will best appear from the council's decret passed upon him, and the rest of the gentlemen cited with him December 2d, this year; and that sentence of the council is so exorbitant that it deserves a place in the body of this history, and follows from the registers.

Decreet against Sir John Maxwell, the lairds of Craighends, and others, December 2d, 1684.

"Anent our sovereign lord's letters raised at the instance of Sir George Mackenzie of

1684. Rosehaugh, knight, his majesty's advocate for his highness' interest in the matter underwritten; mentioning, that where, albeit by the laws and acts of parliament of this kingdom (they need not be resumed) the keeping and being present at house or field-conventicles, and the withdrawing from the public ordinances in their own parish-churches, and the baptizing children, and marrying disorderly and contrary unto the established government and laws, be expressly prohibited and discharged under the particular pains and penalties therein contained; likeas, albeit according to the common laws and acts of parliament in this kingdom, the harbouring and hounding out, resetting, entertaining, corresponding and intercommuning with rebels, traitors and disorderly persons, the furnishing of them with meat, drink, money, and other provisions, the contributing of money to rebels, fugitives, forfeited or intercommuned persons, the hearing of seditious and treasonable speeches, and not revealing the same, the seeing of rebels and fugitives in arms or otherwise, and not discovering them, and not giving timeous advertisement thereof to his majesty's magistrates, or officers of his forces, that they may be brought to condign punishment, be crimes of a high nature, and severely punishable. Nevertheless it is of verity, that the persons underwritten, Sir John Maxwell of Nether Pollock, Alexander Cunningham elder of Craigends, and William Cunningham younger thereof, John Caldwell of that ilk, Zacharias Maxwell portioner of Blawarthill, Alexander Porterfield of Fulwood, Mr James Pollock of Balgray, have, upon the first, second, third, or remanent days of the months of August, September, October, November or December, 1679 years, and the first, second, third, and remanent days of the months of January, February, or remanent months of the years 1680, 1681, 1682, 1683 and 1684, upon one or other of the days of one or other of the months of the foresaid years, kept and been present at divers house and field conventicles, kept within the burgh and barony of Glasgow, shires of Renfrew and Lanark, and several other places, where they have heard divers rebel, declared fugitive and vagrant preachers, those trum-

peters of sedition, and harboured, reset, entertained, corresponded, and intercommuned with, furnished with meat, drink, money, or other provisions, or have contributed money to rebels, fugitives, forfeited or intercommuned persons, viz. Balfour of Kinloch, the two Hendersons of Kilbrachmount, the deceased Hackston of Rathillet, and others the bloody and sacrilegious murderers of the late archbishop of St Andrews; as likewise to Robert Hamilton late pretended general of the rebels, to the deceased Mr Donald Cargil, Mr Richard Cameron ministers, Messrs John Welsh, John Rae, David Hume, James Kirkton, Alexander Lennox, Edward Jamison, or Mr Samuel Arnot, Mr John Spreul late writer in Glasgow, John Spreul his son, John Spreul apothecary in Paisley, Alexander Porterfield brother to the laird of Duchal, and other notorious rebels, and infamous traitors, whom they knew to be such: and severals of the said persons married and baptized their children disorderly, and constantly, during the said space, have withdrawn from public ordinances, which is the root and foundation of schism and rebellion, and from which all the barbarous murders and other assassinations have sprung, and which his majesty and the estates of parliament have declared to be seditious, and of dangerous example and consequence, as is particularly expressed in the seventh act of the second session of his majesty's second parliament. Whereby the said persons, and every one of them, are guilty of the crimes above libelled, or one or other of them, in high and proud contempt of his majesty, his authority and laws, and thereby incurred the pains and penalties contained in the said acts, for which they and every one of them ought to be severely and exemplarily punished in their persons, to the terror of others to commit and do the like in time coming.

"And anent the charge given to the said Sir John Maxwell, and hail remanent defenders above written, to have compeared personally, to answer the said complaint, and to have heard and seen such order taken thereanent, as appertaineth, under the pain of rebellion, with certification as the said letters, executions, and indorsations

thereof, at more length purport. Whilk being called this present day, and the said pursuer compearing personally, and the defenders being prisoners, as being sent in by the lords commissioners of council, lately met at Glasgow, being brought to the bar; and his majesty's advocate having, conform to two several letters under his majesty's royal hand, restricted the foresaid libel to an arbitrary punishment, and instead of all further probation, referred the verity thereof to the defenders' oaths, according to the declarations emitted under their own hands, before the said lords commissioners; and which being read and shown to them, and they having at the bar immediately acknowledged and subscribed the same upon oath. The lords of his majesty's privy council, having heard and considered the foresaid libel, and declarations of the said defenders, subscribed and acknowledged by them upon oath, do find them and ilk one of them guilty of the articles libelled, and now restricted to an arbitrary punishment; and therefore have fined, and hereby do fine them in the respective sums of money underwritten.

“ The said Sir John Maxwell of Nether-pollock, in the sum of 8,000 pounds sterling.

Alexander Cunningham elder of Craig-ends, and William Cunningham thereof, in *solidum*, in the sum of 6,000 pounds sterling.

John Caldwell of that ilk, in the sum of 500 pounds sterling.

Zacharias Maxwell portioner of Blawarthill, in 20,000 merks Scots.

Alexander Porterfield of Fulwood, in the sum of 40,000 pounds Scots.

Mr James Pollock of Balgray, in the sum of 15,000 merks Scots.

“ To be paid to his majesty's cashkeeper, for his majesty's use; and ordain the hail said defenders to be committed prisoners to the tolbooth of Edinburgh, to remain there till they make payment of the said sums respective, and find caution to his majesty's cashkeeper, for payment of the said sums to which they are hereby restricted, betwixt and the first of January next to come, otherwise to be liable to the whole sums respective above written, in case they find not the said caution, and pay the said sums now restricted, as said is, before the elapsing of the said first of January next, (except as to the said John Caldwell of that ilk, and

Zacharias Maxwell of Blawarthill, 1684. whom they ordain to continue prisoners for their whole lifetime, besides the payment of their fine) viz. the said Sir John Maxwell, the sum of 5000 pounds sterling, Alexander and William Cunninghams of Craigends, the sum of 4000 pounds sterling, the said Alexander Porterfield of Fulwood, the sum of 20,000 pounds Scots, and the said Mr James Pollock, the sum of 500 pounds sterling. Upon the finding of which caution, or the payment of the said sums to which the said fines are restricted, they are to be liberate, (caution being always found, or payment made, before the first of January next to come) and ordain letters of horning and other execution to be directed thereupon, as effeirs.”

I am sorry I have not all the declarations the gentlemen made before the court at Glasgow, though the matter of some of them will come in just now; but I can fully assure the reader, that notwithstanding of the odious articles of the libel, invidiously put in to blacken the gentlemen, of their converse with and reset of the persons concerned in the murder of the archbishop, yet they were as free of these as the advocate or their judges; and it was a stretch peculiar to this time and court, to find them guilty, and every one of them of the articles of the libel, as well as groundless and false; and, as to some of them, what the council all knew they were not guilty of. And indeed all that could be laid to their charge, was converse, I think, the most of them had, as all the country as well as they, with Quarrelton, and with some outed presbyterian ministers named, though not many of them, and none other of the persons named in the libel, and their being present at house-conventicles, and absent some of the times libelled from their parish kirk; and upon these ecclesiastical and imaginary crimes, they are thus extravagantly fined; upon which I need make no reflections. There was no probation adduced against them, but their own declaration, which they made sincerely, and more fully than I believe could have been proven against them, and some of them refused to depone upon it at Glasgow. When they came to Edinburgh, and

1684. saw no better could be made of it than a round sum, they yielded to adhere judicially, it seems, upon their oath, to their declarations, but could never reasonably expect such exorbitant fines as were imposed: What the pretext was for Caldwell and Blawarthill's imprisonment during life I know not; they were both most peaceable gentlemen, and as little liable to the then laws as any of the rest. But, it may be, this clause was put in to be remitted afterward, upon their paying their whole fines without defalcations, which we see were made to the rest.

I come now forward to give some more particular hints at the case of some of these excellent gentlemen, as far as vouched accounts have come to my hand, a little further to expose the iniquity of this procedure.

I begin with the lairds of Craigend elder and younger, two worthy gentlemen of an ancient family, descended from the noble and old house of Glencairn, in the shire of Renfrew. Craigends younger is still alive, in flourishing circumstances, notwithstanding of this heavy oppression, a singularly pious and excellent gentleman, far above any character I can give of him. Both of them gave such ample indications of their loyalty and peaceable temper, in a petition to the council by themselves, as in the eyes of all indifferent judges, very much aggravated the managers' severity to them. This paper was in such expressive terms of submission to the present government in the state, as more could not be required; and when it did not satisfy, every body saw it was fines the managers were aiming at, and not security to the government, since greater evidences of loyalty could not be given, than the petition signed by the two gentlemen. A better account of their case cannot be laid before the reader, than from the following information, vouched in every branch of it by the present laird of Craigends. And because it contains several matters of fact, which set the harshness of the council's procedure, with these two and their fellow prisoners, in its due light, I insert it here.

"The lairds of Craigends elder and younger, having lived in all peaceable, and, to

their knowledge, orderly deportment, did, in October 1684, compear with other gentlemen their neighbours, before the lords commissioners of the district of Glasgow, where being libelled severally upon the points of reset and converse with rebels, conventicles, and withdrawing from the church, and other such like delinquencies, they were divers times before the lords, and interrogate upon several points, as well concerning the guilt and crimes foresaid, and how they stood affected to the government. As to their guilt and crimes, confessed by themselves upon oath, without any further probation, they are as follow. Against Craigends elder, 1. Converse with Alexander Porterfield, alleged to have been at Pentland, and within two years thereafter, he transacted his forfeiture, and ever since, these fourteen years, lived securely and openly in his own house, without any challenge, and bath haunted kirk and market, and courts of judgment, with no less freedom than any other of his majesty's lieges. 2do. That Sir John Cochran had sought charity from him, for the late earl of Argyle, in the year 1682, Sir John himself being then a free subject, Craigends refused the desire, but his not revealing the proposal is accounted a crime. 3tio. That some of the nonconformist ministers had performed family-worship in his house. Against Craigends younger, only accidental converse, which he acknowledged in his deposition, and that he could not deny but he heard Sir John Cochran seeking charity to the late earl of Argyle, from others; but neither Sir John nor any from him sought the same from him. The council indeed in their libel, load that matter of Sir John Cochran's proposal, with such epithets and circumstances, as would make the bare concealing of it an atrocious guilt, alleging Sir John had made application to several persons, for sums of money to the late Argyle, to help to carry on a conspiracy and rebellion; but the gentlemen being no ways privy to such a design, and knowing no other intent of the proposal, but the supplying of a nobleman's urgent necessity, for his livelihood, it was not possible for them to understand any further duty requisite, than to refuse, till now that the parliament

hath made the matter clear, by a positive and posterior law; and they might the rather be carried away with this mistake, that the council, within these two years, in a practick relating to the late Sir John Cunningham, had declared themselves of a quite different judgment. There being information given, anent Sir William Denholm of Westsheils, holding correspondence with, and doing favours to Mr John Cunningham of Bedlane, forfeited and declared rebel, among the rest, Sir John Cunningham's name is heard, with some ground of jealousy, that he might be in the correspondence. Upon trial it was found, that when Bedlane's letters were offered, Sir John refused them, but never held himself obliged to reveal any thing; and yet when other persons who had received the letters were criminally indicted, and cited with sound of trumpet at the cross of Edinburgh, and their correspondence aggravated in all its high circumstances, the carriage of Sir John upon the contrary was commended, and in the public proclamation highly applauded, that he did as became a good and faithful subject in refusing, notwithstanding he never revealed any thing. And certainly, if it was duty to reveal the bare seeking of charity to a rebel, much more had it been duty to reveal a rebel's letters, which could not be supposed to contain less than the seeking of charity, whatever they might have imported more; and seeing the case was not altered by any positive law, the gentlemen might well think they had kept a very safe and just course, when within the bounds publicly approved by his majesty's privy council. However, upon these grounds and no other, they are called in before the privy council, and, with many others their neighbours, sentenced in fines to the supposed value of their estates: others were fined, every man by himself, but Craighends and his son are joined together for the sum of 6000*l.* sterling, far above their value, and both of them kept prisoners, and charged in *solidum* for the whole sum, as if they had been mutually liable for each other's faults, notwithstanding there was no equality betwixt them, as the particulars of their confession manifest, there being nothing against

Craighends younger, but accidental
converse with Alexander Porterfield. 1684.

The gentlemen further allege, they have given such testimony of their freedom from any dangerous principles anent the government, that they must be beyond all ground of quarrel that way, which the commissioners may well remember, when they interrogated Craighends younger upon his principles, at Glasgow; and both the father and the son expressed their principles in a very solemn declaration, given in to the whole council in writ, before the passing sentence upon them; and they cannot but be surprised at the hard measure given them, after such a public proof of their loyalty to their sovereign, wherein they conceive themselves to be short of none of his majesty's subjects. The gentlemen are not such fools as to allege an argument from principle, as sufficient to expiate crimes; but when the escapes are such as the whole country are engaged in the like, and which surpassed the skill of any reasonable man, to understand them to be crimes, at the time when done, and when the alleged ground of the courses taken against others in the like cases, was only to secure the government, by a good principle in the subject, those gentlemen, after so full a vindication of their principles, expected they should not have been troubled for invincible mistakes, more than many of their neighbours, who were never called in question for them, though as much guilty as they."

I have only particular accounts of another of these worthy gentlemen, and that is Alexander Porterfield of Fulwood, son to the laird of Duchal, just now mentioned. He is yet alive, a gentleman of a very good character, and in good circumstances, notwithstanding this exorbitant fine, in the parish of Killallan and shire of Renfrew, ready to attest every circumstance of the account I am to give of his case. At the court at Glasgow in October, he was indicted as guilty of several heinous and treasonable crimes, since the year 1660, and when there was no proof of his libel, the verity of it was referred to his own oath, after they had passed from capital punishment, and restricted it to an arbitrary one, and ordered him to swear upon the several

1684. articles of it. Fulwood very reasonably objected, that no law could oblige him to depone in the matters libelled, since the law concerned heritors only; and, for his part he stood infest in no lands, and so could not be reckoned among them. The lords interrogated him, if he had not a disposition from his father Duchal, to the lands of Fulwood, and possessed them; he owned he had, and the lords finding him upon this an heritor, ordered him to give his oath. As to all the articles of his libel, he deposed negatively, save two; the one was his converse with his uncle Alexander Porterfield of Quarrelton, which he told their lordships he reckoned so far from being a crime, that in his opinion he would have been inexcusably criminal, had he declined converse with so good a man, and his most affectionate uncle, especially when Mr John Hamilton of Hallcraig, upon application to the government, had obtained a gift of Quarrelton's estate, and faithfully applied it to his use, with a plain connivance. And although his said uncle had not applied to the king, or obtained any indemnity or remission for his alleged rebellion, yet he had access these many years to live peaceably in his own house, (with the other circumstances named in Duchal and Craigend's cases) so that he judged himself safe to converse with him, when every body did so; and he himself was but an infant at Pentland, unfit to make a judgment of that rencounter, or whether there was any danger of converse with such who were alleged to be concerned in it. The other article was his being present at house-conventicles, and he frankly owned that he was present at several sermons preached by presbyterian ministers, in his father's house at Duchal, being one of his family, and not forisfamiliat. In doing whereof, he reckoned he had been at his duty. This was all that he confessed. He was ordered to sign his deposition, which he did, and was kept prisoner at Glasgow until he found caution, and gave bond to compear at Edinburgh, November 20th, if called, or otherwise to enter himself prisoner within the tolbooth of Edinburgh, under the penalty of 10,000 merks, in case of failie. Accordingly he was at Edinburgh, the said day, and, not being called, he

entered prisoner, and, as we heard, with the rest of the gentlemen his neighbours, was called and fined in forty thousand pounds, and remitted back to the tolbooth, till he should pay the said sum. There he continued about fourteen months, and besides his corporal punishment by imprisonment, the government proceeded to real and legal diligence against his estate, by adjudication and otherwise, for evicting the fine. But finding that this was not the most compendious and expedite way for obtaining payment, they took the shortest way; and by their act comprehended Fulwood's estate within the forfeiture passed upon his father, and thereby declared the same forfeited; notwithstanding several years before he had a disposition of the lands of Fulwood, and was in possession, and the lords at Glasgow upon these found him an heritor distinct from his father, and under this notion obliged him to depone. Thus they went and came upon law and property, just as it answered their designs. By all which it is plain, how dissonant their treatment of this gentleman was, not to say to law and right, which was but seldom now considered, but likewise to their own practick, which no body can make hang together. Melford was made donatar to Duchal's estate and his son's, and there was no remedy. Fulwood behoved to compound and agree for a piece of money, and take a new right from him to his own land, with a discharge of his fine. The first moiety was actually paid, and the happy revolution stopped the rest, and this gentleman, as well as the rest, was at vast charges and expense in obtaining their compositions, and securities of their lands from the donatars, and otherwise, which I believe fell not much short of the unpaid moieties of their fines.

From those hints the reader will guess at the case of those excellent gentlemen, and will see very much of the temper of those times, when indeed nothing was stuck at to get money from presbyterians. I regret I cannot give as distinct accounts of the rest of the gentlemen named, but their circumstances may easily be gathered from what is insert. As to the rest of the prisoners named, I can only give the hints I meet

with in the council-registers; and those of them fined were in the same circumstances with the former gentlemen, save that few or none of them were charged with the charitable supply, or with converse with Quarrelton, but I doubt not they had conversed with other fugitate persons.

December 24th, I find a decret passed by the council against the underwritten gentlemen. Their libel is mere nonconformity, and alleged reset and converse, and refusing the oath of allegiance, with the king's prerogative annexed, which they did not reckon themselves obliged in law to take; whereupon the council fine them in the following sums.

	<i>Merks.</i>
Stuart of Allanton in	12000
William Hamilton of Overton in	9000
James Young chamberlain of Evandale	10000
James Muirhead of Bradisholm	4000
Mr John Hamilton of Halcraig	12000
Mr Andrew Kennedy of Clowburn	12000
Mr James Stuart of Hartwood	6000
John Bannantyne of Craigmuir	2000
George Hamilton of Browncastle	2000

This is all I meet with in the registers. By another information I find the laird of Corehouse was fined in 9000 merks, which was remitted by the king; and Allanton's fine was gifted to Crigui. No question these worthy and religious gentlemen got down considerably in their compositions, but they were put to great charges, and those arbitrary impositions brought their estates and families low.

And by the same information, under a very great man's hand, I find reckoned up among sheriff fines confirmed by the council, severals in Roxburgh and thereabout formerly mentioned; the laird of Riddell 52,000 pounds Scots, the laird of Greenhead 24,000 pounds Scots, the laird of Chatto 20,000 pounds Scots, the lord Cranston 1500 pounds sterling, Sir William Scot of Harden 53,000 merks, of which Sir George Mackenzie got 27,000, Sir William Scot of Harden, junior, 3500 pounds sterling, paid to the duke of Gordon and marquis of Athole, and the laird of Wall 20,000 merks Scots. So much for the exorbitant fines of gentlemen this year.

SECT. VII.

Of the Apologetical declaration emitted by the society people, the murder at Swine-

Abbey, and the severe procedure, 1684. commissions, and proclamations following thereupon, November and December, 1684.

THOSE matters contained in the title, I have of design put all together in this section, that the reader may have a fair and impartial account of this part of the management of the persecutors. It is evident, oppression had put that part of the persecuted, the society people, upon measures, that many of themselves were not for, and which cannot be vindicated; but it will be as plain, that the managers took occasion from this handle given them, to run lengths that can as little be justified, and were never used in any well ordered government. I only notice further, that the body of presbyterians are no way concerned in this matter, than as they were silent and melancholy observers of the heights run to on both hands, and had most unjustly the reproach of principles tending to assassination, fixed upon them, and in part were made sharers of the barbarity and violence now raging universally against ail who stood out against prelacy. That the reader may have as full a view of this dark and black part of this period, as may be at this distance, I shall lay down matter of fact, as it was from original papers and documents, and give first an account of the paper emitted by the societies, and the notice taken of it by the council in November, when the killing of Kennoway and Stuart at Swine-abbay fell in, which produced new barbarity, and the orders for killing in the fields, and then go on to the new commissions and severe instructions given in November and December, till we meet with the public proclamation emitted in the end of the year, and shall shut up this section with the criminal prosecutions, and public executions of several country people, when the managers are inflamed in the highest measure by what the society people had done.

The extraordinary severities exercised September and October last, with the barbarous murder of some honest country people in the fields, which shall be noticed in its own room, drew forth from the society people their Apologetical Declaration,

and Admonitory Vindication, especially against intelligencers and informers, about the middle of October, when the courts described Section 5, were just at their throngest persecuting work. As the state of the body of presbyterians was at this time most lamentable through the kingdom, their ministers all turned out, and either in prisons, or forced to leave their native country, their gentlemen imprisoned and most exorbitantly fined, their commons cruelly harassed now by the army, and then by particular and more general courts; so the people united in societies, who, as we have heard, had withdrawn since the death of Mr Cargil, from the rest of the presbyterians of this church, were in a special manner hunted, yea, killed all the day long, and counted as sheep for the slaughter. From what hath been pointed at, as to the condition of those wanderers and hiding persons, who, generally speaking, made up those societies (though many were upon their hidings, who did not join with them in their heights) the reader will easily guess at their circumstances. The sea-ports were shut, they could not get off the kingdom, they were daily hunted for by the bloody and merciless soldiers, the whole country was sworn to discover them, and bound up from giving them meat or drink, and secret informers and intelligencers were bribed to join them, and find out their haunts and lurking places, and any who inclined to do them the least kindness, were terribly persecuted, and all they did in their own defence was reckoned murder, and the country abused for it. They were proscribed, and cast out of protection by the government, and no terms would be accepted but going over their light and renouncing their principles. All this, and much more than I can now narrate, gravaminous in their case, put their general society, which, by their original records, I find met October 15th, to publish their Apologetical Declaration. Mr James Renwick was employed to draw it; and it was published by some of their number, October 28th. I insert it* from

the copy before me, under Mr Renwick's own hand.

It is not my business to inquire how far private persons, in such circumstances, may

ly reviled by apostates from, and enemies to the truths of our Lord Jesus Christ; yet such hard usage, and virulent reproaching, hath not (at least ought not to have) abated the zeal of tender hearted Christians, in the prosecution of holy and commanded duties. Therefore, as hitherto, (through grace assisting) we have not been driven to lay aside necessary obliging duties, because of the viperous threatenings of men, who are given up of an holy and wise God, to lay out all their might and power for promoting a course of wicked profanity by virulent persecution, and ignominious calumnies, (to all of whom nevertheless, that are reconcilable unto God, we heartily wish eternal salvation) so we declare our firm resolution of constant adherence to our covenant and engagements, where we are bound to have common friends and foes with our covenanted reformation; and to look upon what is done to one, as done to all of us; and also our unanimous adherence to our faithful declarations wherein we have disowned the authority of Charles Stuart, (not authority as God's institution, either among Christians or heathens) and all authority depending upon him, for reasons given elsewhere; (disclaiming all such things as infer a magistratical relation betwixt him and us) and wherein also we have declared war against him, and his accomplices, such as lay out themselves to promote his wicked and hellish designs. Therefore, that therein our mind may be the more clearly understood, and for preventing further mistakes anent our purposes, we do hereby jointly and unanimously testify and declare, that as we utterly detest and abhor that hellish principle of killing all who differ in judgment and persuasion from us, it having no bottom upon the word of God, or right reason; so we look upon it as a duty binding upon us, to publish openly unto the world, that forasmuch as, we are firmly and really purposed not to injure or offend any whomsoever, but to pursue the ends of our covenants, in standing to the defence of our glorious work of reformation, and of our own lives: Yet (we say) we do hereby declare unto all, that whosoever stretcheth forth their hands against us, while we are maintaining the cause and interest of Christ against his enemies, in the defence of our covenanted reformation, by shedding our blood actually, either by authoritative commanding, such as bloody counsellors (bloody we say, insinuating clearly by this, and the other adjective epithets, an open distinction, betwixt the cruel and blood-thirsty and the more sober and moderate,) especially that (so called) justiciary, generals of forces, adjutants, captains, lieutenants, and all in civil and military power, who make it their work to embrace their hands in our blood, or by obeying such commands, such as bloody militia men, malicious troopers, soldiers, and dragoons; likewise, such gentlemen and commons, who, through wickedness and ill will, ride and run with the foresaid persons, to lay search for us, or who deliver any of us into their hands, to the spilling of our blood, by enticing morally, or stirring up enemies to the taking away of our lives, such as designedly and purposedly advise counsel, and

* *Society People's Declaration, especially against Informers and Intelligencers, November 8th, 1684.*

Albeit we know that the people of God in all ages, have been cruelly persecuted, and malicious-

1684. now their minister, and the expressions in it are a little softer and smoother than the Sanquhar and Lanark declarations formerly mentioned. And I am well informed by persons of credit present with them in this meeting, that Mr Renwick himself, and a good many others of the best knowledge in the meeting, reasoned a long time against emitting any threatening paper of this nature at this juncture, as what would be of little use to them, and exasperate the managers, and bring on new distress upon the harassed country: but nothing less would satisfy a warmer set of people among them, who were most clamorous, and by insisting gained the point. And Mr Renwick was forced to go in with them, to keep peace, as far as might be, among themselves. Yet after all the softening he could give it, there are many things in it so much out of the road of private persons, that it became matter of much obloquy and reproach to the body of presbyterians, who mean while were no way privy to, or concerned in this paper. And as most of the struggles of persons under chains, and the feet of their enemies, make their case worse, so this raised the fury of the government; and yet in part it wanted not its designed effect. The most venomous malignants were affrighted, informers and intelligencers in the west and south for some time were deterred from their trafficking, and the most virulent and persecuting of the curates in Nithsdale and Galloway thought fit to retire for some time to other places, even before the murder in Carsphairn next year, of which in its own place.

When this paper had been published by some of the societies, it was affixed to several market-crosses, and November 8th, posted up upon a great many church-doors in Nithsdale, Galloway, Ayr and Lanark shires. I find it put on the church-doors of Kilbride, Strathaven, and many others.

November 11th, or 12th, copies of the societies' paper came into the council, and put them in a perfect rage. I shall give some instances of it from the registers, and then from some accounts I have from persons yet alive, were present that after-

noon when the prisoners were brought in before them.

By the registers I find a very severe act anent John Semple. November 13th, "John Semple of Craigthorn in the parish of Glasford, taken near the kirk of Glasford, and brought in prisoner, as suspect to have been a contriver of the late treasonable declaration against the king, or at least accessory to the affixing thereof at the said kirk, and some others, or at least as having knowledge of the persons contrivers, affixers, or promoters thereof, being called before the council, and having refused to give his oath upon the premises, the lords of his majesty's privy council ordained him presently to be tried by torture in the thumb-screw, boots, or both, until he be brought to a clear confession, they having first declared, that what he should declare should not militate against himself as to his life. And the said John being called in, and interrogate in the thumb-screw, and having refused to declare, and at length turned faint, he was remanded to prison till to-morrow at ten of the clock, at which time he is again to be tried by torture." I meet with no more about him in the council-books; we shall just now meet with him to-morrow before the judiciary.

By other papers, particularly one under Robert Goodwin's hand, of whom I have given some account before, I find, that November 13th, he, with several other prisoners, was brought this afternoon before the council, and interrogate upon this paper, about which they knew nothing. In a great haste it was read over to them, and they were ordered immediately to hold up their hands and swear they did not adhere to it, and knew not the authors of it. Robert Goodwin in name of the rest said, and I doubt not but it was the case of all of them, that he had never heard it till it was now read, that he knew nothing about the forming of it, but would swear nothing about it; whereupon they were sent to the iron-house.

Another instance of their treatment of the prisoners this day, I have from one present, and witness to the terrible usage of William Niven Smith in Pollock-shaws in the parish of Eastwood. We heard

formerly, that last month he was banished to the plantations, and here I shall take occasion to narrate some other particulars of his sufferings, and that but in so many words. We heard of his trouble in the year 1678, and since that time he lived peaceably, following his trade, and had not been at Bothwell, nor was chargeable with any thing, but not hearing Mr Fisher the episcopal incumbent. July 29th, this year, about midnight, a party came and took him out of his bed, and carried him to Glasgow tolbooth. They alleged he had been at a sermon of Mr Kenwick's, which was false. He lay three weeks there in irons, and then, with John Macbae of the parish of Kilpatrick in Dumbartonshire, he was carried up to the bishop, and examined by him and colonel Windram upon the ordinary questions. Nothing was found against William save his not hearing Mr Fisher, to whom I must do the justice to say, he was one of the soberest of his way, and he came into Glasgow and used his interest with the bishop, and signified to him, that the prisoner was a good peaceable person, and as to his not hearing, he would take him into his own hand. But nothing could prevail unless he would take the test, which he peremptorily refusing, was sent, with five others, two and two of them fettered together, in to Edinburgh under a guard. There he lay in the irons night and day, till May 1685, when he had his share in Dunotter sufferings, as we shall hear, and afterwards was sent to New-Jersey with Pitlochy. This same day, when the accounts of the apologetical declaration came into Edinburgh, William with some others whom my informer hath forgot, but minds John Hodge armourer in Glasgow, John Campbell in Overmoor, John and Peter Russels in Muirhead of Shots parish, James Tennant in West-Calder, were brought most suddenly about six of the clock at night, from the iron-house to the council or its committee. The chancellor posed William and the rest, whether they knew any thing of these treasonable papers that had been affixed to church-doors last Saturday night, or Sabbath. They all declared, they did not. Then they were interrogate

if they owned the matter of them. The pannels answered, they knew^{1684.} nothing about them, and could neither own, nor disown them. The lords appeared to my informer to be in an unusual hurry and rage, and the clerk was bid read the paper, which he did as fast as he could run over it. Upon hearing of it, the pannels declared ingenuously, that they could make no judgment of it upon so overly an hearing. They were again required, under the highest pains, to disown it as their opinion. They answered, they had no share in it, and would not take upon them to judge of it, since this came not to their door. Whereupon they were removed a little, and when called in, they were told they were sentenced to die that night at ten of the clock, and were removed two and two into corners of the laigh council-house, with a soldier or two to wait on them, there to continue till the hour of their execution. Happily for them something or other fell in that night which put the managers in confusion; it was said, it was some letters they received, and so about two hours after, they were carried back to the iron-house, and for a good many weeks afterward they were made to expect every day they were to be executed at two of the clock, till the king's death fell in, and then they were no more directly threatened. This procedure is every way so far out of the road, that I should not have inserted it, if I had not had it from one whom I can depend upon, who was witness to it, yet alive, attesting it in all its circumstances.

From this instance we may see the manner of this period, and what an handle was taken from every thing that fell out, to exercise the greatest severities upon people who could not be supposed to have any share in those incidents. To this likewise we must attribute the barbarous treatment of the prisoners from Dumfries, formerly spoken of. Old men, and women with their sucklings not three months old, women with child, and others near eighty years of age, upon the break of a storm of frost and snow, were forced to travel twenty, or twenty four miles about the shortest day, and through waters, to the danger of their lives. None of them either could be concerned in this

1684. paper, and no account can be given of such barbarity, but their merciless temper exasperated by this declaration.

Next day, November 14th, the managers go a farther length, and, by the criminal records, I find before the justiciary, John Semple, John Watt, and Gabriel Thomson. They are libelled for high treason, as art and part in the paper lately posted upon the kirk-doors. The advocate restricts the libel in those terms, 'That the pannels own, or refuse to disown the traitorous proclamation mentioned in their indictment.' The probation is John Semple his judicial declaration that he owns the proclamation, and would not disown it. Gabriel Thomson refuses to disown it. John Watt refuses to answer, or disown the paper. The assize bring in all the three guilty according to their confession, and the lords sentence them to be taken to the Gallow-lee, this day betwixt three and five of the clock in the afternoon, and forfeit them in common form. I am well informed that John Semple was tortured most cruelly a second time in the boots, and taken from the torture to the justiciary, where sentence was past, and executed that same afternoon with the others. At the execution the soldiers were barbarous, and allowed the poor men scarce any time to pray. The people who looked on were surrounded by the soldiers, and had interrogatories and queries put to them, which when they refused to answer upon oath, ten or twelve were made prisoners, and carried from the scaffold to the tolbooth.

After this, I find the lords of council delay the examination of the prisoners in the Canongate and Edinburgh tolbooths, as to the treasonable declaration, and perhaps would have extended their inquiries into the country, had not the incident of killing of Kennoway and Stuart fallen in, which put the managers upon new, and yet more barbarous methods.

I have not so distinct an account of the murder of these two, as I wish I had, neither can I say whether it was in self-defence or not, but it is generally said, it was premeditated by some persons in the neighbourhood, or society people lurking among them, they having been severely oppressed

by Kennoway for many years; and if this was an assassination, nobody ought to defend it. They were both gentlemen, as the style was, of the life-guard, and killed, as is said, coming out of the door of the house at Swine-abbay, in the parish of Livingstone; and after the most narrow search that was made, none of the actors could ever be found, but I am assured, the society people refused to admit some persons to their fellowships, whom they suspected to be concerned in this murder. I have no account of Stuart, but Kennoway's oppressions in Livingstone, West-Calder, and that neighbourhood, from Pentland to this year, have been in part noticed, and I shall add a few other well vouched instances of his former carriage. Thomas Kennoway was very active under general Dalziel at Pentland, and after the defeat of the west-country army, he apprehended that excellent person formerly mentioned, Mr Hugh Mackail at Brades-craigs, and went still on in spite and malice against the suffering party, year after year. Some years after, he with a party of the guards attacked a company of unarmed people hearing sermon at Thomas-moss in East-Calder in Mid-Lothian, and shot one of them through the thigh, and beat and spoiled many others. The council and managers soon took notice of his activity and severity, and gave him frequent commissions, which he rigorously executed. At one time he attacked a meeting in the parish of Bathgate, and shot one James Davie, an heritor of that parish, dead in the spot, and took fourteen prisoners, who were afterwards sent off the kingdom. After Bothwell he seized Mr John King, and brought him in prisoner to Edinburgh. In Mid-Calder, he seized an old man whom he alleged to have been at Pentland, and beat, and bound him in the most barbarous manner. Meanwhile some went into Edinburgh, and complained to the general of his cruelty, whereupon a letter coming out to him threatening him for his illegal severities, he forced the poor old man, in fear of present death, to sign a paper, that Thomas Kennoway had never wronged him in his person or goods. In the parish of East-Calder he broke in upon an house, and missing the husband whom he was seeking,

beat and abused his wife, who was with child, most inhumanely, and threatened before her eyes to force two of her daughters, all which put her to such a fright, that she parted with child, and never recovered, but died in a very little. Indeed he was not only wicked and profane, a known adulterer, and a fearful drinker, and blasphemous carser and swearer. He used to say, 'Hell would be a good winter quarters, but ill summer quarters.' And one in company asking, if he was not afraid to speak so of hell; he said with a new oath, 'he was never afraid of hell, but sometimes he was afraid some of the rebels would shoot him dead at a dyke-side.' This was some years before his death. Instances of his grievous oppression of the parishes of East, Mid, and West-Calders, and Livingstone, have been given, and many might be added: he was indeed a terror to all that country-side. And he was constantly almost among them, fining and oppressing multitudes, of which I have accounts before me too long to be insert here. One thing I shall notice, because it was much observed after his death. Some time before Meldrum's court, of which an account hath been given, Kennoway had for some time continued drinking at Swine-abbay till all the money he had was spent, and he had not wherewith to pay his reckoning, he went out and seeing a poor country man coming by on the road with a bag of oats, by mere force took it from him, and threatened him dreadfully if ever he looked after them, and with the poor man's oats he paid his lawing, and had some little more money to drink up in some other place. And in this very place he was sent into eternity. November 17th he came out of Edinburgh with a roll of persons, he said, he had a commission from the council, to apprehend in the country, upwards of an hundred and fifty men, probably of his own upgiving. He alighted at Livingstone, where he met with the other Duncan Stuart, to whom he showed his commission, and told him, in a few days he hoped to be as good a laird as many in that country, and they fell a drinking. He regretted much that he was turning old, and would not get the lands he now reckoned as his own, long enjoyed. In the

way to Swine-abbay he described and pointed at the places he had in his 1684. eye to possess, to his comrade Stuart, till they came thither, and there they continued drinking and laying their projects until the 20th of November, when they were cut off; the particular circumstances whereof I cannot relate, none being witnesses but the actors, who got off, and were never taken.

This is all the account I can give of this matter, and I do not set down those things to vindicate the actors, but to show how righteous the providence was, that this wicked man is cut off in the midst of his days and projects, however blameable the persons might be in their manner of doing it. Before I leave those two persons, I only insert the council's act December 9th, anent their widows, to show the concern they showed for the relatives of such as had been active in the persecution. "The council having considered the petition of Janet Stuart relict to Thomas Kennoway, one of the gentlemen of his majesty's guard, and Jean Jaffrey, relict to Duncan Stuart, another of them, lately inhumanely murdered and butchered by some desperate rebels and fugitives, at the house of Swine-abbay in the night-time, do recommend them to the treasury for charity."

But I come forward to the council's more public actings as to the society people's declaration and this murder at Swine-abbay. and we shall find them very singular. From thence they take occasion, first to order a particular search to be made in Edinburgh, which was not so unreasonable, and then, after some reasoning and opposition to so much barbarity, they agree upon the bloody orders to murder in the fields all who should not expressly disown the foresaid declaration, without any libel or legal process, and lastly give out a terrible commission for harassing the country round the place where the two soldiers were killed, and after that commission is executed, they grant more general powers to particular trustees, to harass of new the west and south country. Of all which in their order, and from the public records. November 21st the council make the following act. "The lords of his majesty's privy council, having just reason to suspect that several of those des-

1684. perate rebels who have lately emitted a most traitorous declaration, whereby they declare war against the king's most sacred majesty, and all in authority, civil, ecclesiastical, and military under him, may lurk in the town of Edinburgh, and who in the prosecution of the same have lately murdered some of his majesty's soldiers, require the magistrates to take all effectual methods to discover them, and to take up lists of all in the burgh that are householders, and the oaths of heritors as to the tenants they set their houses to ; and by the help of the ministers and elders of the respective parishes, to make up rolls of the inhabitants according to the respective parishes ; and empower ministers and elders to examine masters or mistresses of families, upon oath as to the number of their servants, their names and surnames ; and likewise to give up the lists of subtenants, if any, and to take up lists of lodgers in any house or tavern, so as all put together may comprehend the whole people, and to take an account of all persons who have neither family nor residence." A little after this followed the search which hath been accounted for, section I.

More general and extensive measures were for some time under deliberation among the managers, and, as soon as could be, they authorized what had been now and then practised by the soldiers with impunity, the killing people in the fields in cold blood who would not answer their queries, without any libel, process, or jury. It would be hard to persuade the present or after ages that any such orders were judicially agreed upon by the council, if we had not the original records to vouch this, and until I had access to them, I could not fully give credit to what I had by a general report, that soldiers had orders to kill in the fields, and at most reckoned it was some particular warrants, given under some of the managers' hand, that were pretended for this barbarity, and it is more than I expected when I met with the order for it, standing as a black mark of the cruelty of this time in the registers. It is altogether useless to make remarks upon those orders, they stand fairest in their native colour ; and I am surprised at the confidence of Sir George

Mackenzie, who was conscious of those, and knew them well, and yet undertakes a vindication of this reign as full of mercy and clemency. The council inclined to have the concurrence of the lawyers, the lords of session, in this extraordinary step, and apply to them, and record their answer to their query, and form their act upon the whole. This matter stands in the registers thus.

Apud Edinburgh, November 22d, 1684.

Sederunt.

Chancellor,	Register,
Glasgow,	Advocate,
Douglas,	Justice-clerk,
Linlithgow,	Castlehill,
Balcarras,	Drumelzier,
Yester,	Abbotshall,
Lundin, Secretary,	Gosford.

"The query underwritten, proposed by the lords of his majesty's privy council, to the lords of his majesty's council and session, with their answer, being read in council, is ordered to be recorded."

Query.

"Whether any of his majesty's subjects being questioned by his majesty's judges or commissioners, if they own a late proclamation, in so far as it declares war against his sacred majesty, and asserts that it is lawful to kill all those who are employed by his majesty, refusing to answer upon oath, are thereby guilty of high treason, and art and part in the said treasonable declaration?"

Answer.

"It is the unanimous opinion of the lords of council and session, that a libel in the terms of the said query, is relevant to infer the crime of treason, as art and part of the said treasonable declaration against the refusers."

Perth, Cancel.	Patrick Ogilvie,
Dav. Falconer,	Roger Hogg,
Geo. Mackenzie,	Alex. Berne,
Jam. Fowles,	Geo. Nicolson,
Jo. Lockhart,	T. Stuart,
David Balfour,	Rob. Lyon,
Jam. Fowles,	John Wauchop.
Alex. Seton,	

"It being put to the vote in council, whether or not any person owns, or does

not disown the late traitorous declaration upon oath, whether they have arms, or not, should be immediately killed before two witnesses, and the person or persons who are to have instructions from the council for that effect? Carried in the affirmative. The lords of his majesty's privy council do hereby ordain any person, who owns or will not disown the late treasonable declaration upon oath, whether they have arms or not, to be immediately put to death; this being always done in presence of two witnesses, and the person or persons having commission from the council for that effect."

I pretend to no skill in law, neither am I a proper judge of the import of the terms of the opinion given by the lords of session; but according to the plain and obvious meaning of the expressions in their answer, it does not appear to be any foundation for, or signification of their lordships' approbation of the vote and act of council, which immediately, and in the same page follows it in the council-books, as if their lordships' answer were the foundation of the council's act. To me they seem to suppose, that a libel ought to be given to the person who owns, or does not disown the societies' declaration, and that he be prosecuted before competent judges, and not murdered *brevis manu* by a soldier or officer by a council power; and though the lords of session had given this as law under their hand, it would not have had any weight with me, or, I believe, with the unbiassed world, as long as any sense of humanity, reason, and the nature of society remains. Neither does this barbarous act seem to have passed the council itself, without some struggle and opposition. Had it been unanimously voted, I question not but the records would have borne it, and used a stronger term than, 'it carried in the affirmative.'

I shall only remark further, that I am informed, extracts of this act signed by the chancellor, advocate, or clerk, given to the officers of the army, and powers from them again given to their underlings, even so low as common centinels, were reckoned commissions sufficient for the executing of this horrible act. What may be in this I shall

not affirm. The people who passed such an act as this, could easily give 1684. ample enough commissions, if they pleased. However, it is certain, that majors, captains, and soldiers, pretended all to act by virtue of this act; and though I shall not say, that all the murders we shall meet with in the fields next year, were committed by warrants from the council, which at this distance can scarce be known; yet no doubt Claverhouse, Balfour, and others had them, and we shall meet with Balfour calling witnesses to his murder in the terms of the act, and private centinels alleged orders for what they did this way; so that upon the whole, I cannot help thinking, that, as several murders in cold blood committed before this act, as we have noticed, and shall hear of, were thereby made the council's deed, so the blood for several years shed in the fields and houses, the blood of many scores of innocents, is all to be charged upon this unnatural and unaccountable act.

It is time now to come forward to the commissions the council gave. The day after this former bloody act, November 23d, they gave a commission to try, judge, and execute in the parish where Kennoway and Stuart were killed, and others about, mentioned in their instructions. As I abominate murder in cold blood as much as any, so I cannot but equally hate cruelty and oppression, under the colour of law; and I could not but be surprised, to meet with such instructions agreed on by the council, especially when they were a pattern by which the soldiers were careful to act in other places of the country. The commission with a justiciary power is given to the lord Livingstone, lord Ross, lord Torphichen, lieutenant Murray, Sir Mark Carse, and George Hume, cornets of the guards, the lairds of Barbachlay, Polkemmet, Potishaw, and Badda, or any five of them, the lord Livingstone, or commanding officer being always present. The commission is in the ordinary style of those formerly narrated: but the instructions are every way singular, and follow under this title, as appears to me, to empower any of the forces under the commanding officer, to execute all these severities.

1684. *Instructions to the forces to be sent to the parish of Livingstone, Bathgate, Torphichen, and Calders.*

"You shall convocate all the inhabitants, men and women, above fourteen years of age, within the parishes of Livingstone, Bathgate, Torphichen, Calders, Easter, Wester, and Middle, and ye shall examine every person; and after the oath of abjuration, (we shall meet with it just now,) such as take the oath you shall dismiss, unless you have grounds of suspicion of their guilt. And if any own the late traitorous declaration, or assassination of the soldiers, you shall execute them by military execution upon the place. And such as refuse to answer or depone, or will not disown the said traitorous declaration, and the principle and practice of assassinations, you shall give them a libel instantly, call fifteen men as a jury, and let them judge them, and instantly execute the sentence of death on such as do so refuse to disown, or to answer to the questions before the said jury. And ye shall seize their goods, delivering as much of them as will pay one year's rent, to such masters as either have, or will take the test. And if any be absent, ye shall burn their houses, and seize their goods, unless their master, or some other sponisible man, bind to produce them in a competent time; the master or cautioner being always one who hath, or shall take the test presently. You shall likewise examine all persons upon their knowledge of any accessory to the said proclamation or assassination, and such as refuse to depone upon their knowledge you shall keep prisoners. You shall examine all upon their oath anent harbourers, reseters, or concealers of the assassins, or such as were accessory to the proclamation; and if any refuse, make them prisoners, bring them into Edinburgh, and cause secure their goods. And as to the families of such as you condemn or execute, you shall make prisoners of all persons in their families, above the age of twelve years, in order to transplantation. As also you shall take the oaths of all who compear that they shall not harbour, reset, or conceal any of those dangerous rebels, whether pretended ministers, or adherents, but shall discover their persons, and assist to

the taking or pursuing of them, and shall discover who shall harbour, reset, or entertain any of them, to some magistrate or heritor of the ground, that they may raise the country and pursue them, till they be apprehended; and who will not give oath in the terms above-mentioned, you shall bring prisoners to the tolbooth of Linlithgow, there to be kept till further order. You shall likewise apprehend all the near relations of Nimmo, and bring them to Edinburgh for further examination. For all which this shall be warrant to you, and all officers and soldiers employed by you.'

Geo. Mackenzie,
Geo. Mackenzie,
Jam. Fowles,
Jo. Lockhart,
And. Ramsay,
James Graham,

Perth, Cancel.
Douglas,
Balcarras,
Livingstone,
J. Drummond,
Dav. Falconar.

Those instructions speak for themselves, and as they want a parallel, so they need no commentary. We may look upon them as the copy according to which the country was to be handled at this time, and this cruel scene was exactly followed in several places for some months, bating some little regularities here, which the officers of the army at some more distance from Edinburgh did not always reckon themselves bound to follow. Reflections upon them may be very short: such who were parties, I mean both in this case, by being officers in the life-guard, and in other cases, by sharing of the spoil, are made judges. What terrible hardships are here put on the poor country! Boys and girls of fourteen and fifteen years of age have the oath of abjuration crammed down their throat; and even such as swallow it are not free from suspicion, but may be kept in custody and so are presumed to be perjured. The refusers of the oath, and such who do not presently disown the declaration, are instantly to be tried by a jury, and that jury by former acts of council must bring them in guilty, and they are to die upon the spot under colour of law. Such masters as have the tenderness to refuse a contradictory oath, must lose their rent, which is secured to those of latitude. Absents who incline not to come under this inquisition, and, for any thing known to the council or judges are necessarily absent,

must have their houses burned, if some testers do not interpose. And what righteousness and equity can there be conceived in punishing the innocent families of such whom they think good to find guilty, even striplings of twelve years of age with transportation? How iniquitous and heavy an imposition was it, though now very common, that all should be imprisoned who would not engage upon oath, to pursue ministers and others above-named, and discover them and their concealers! Those things cannot but stun posterity, and make all who hear detest such wicked oppression of the rights of men and christians. And can any thing but ignorance of such inhumanities, or the worst of tempers, be at the bottom of the efforts too many are making (1715) to bring us back to those black times?

I have before me a large account of the procedure of this commission in the fore-said five parishes. The soldiers came out the day before, and charged all, young and old, to appear before the judges, under pain of death. They sat first at Livingstone, where many questions were put to some of the people anent the king's authority, their keeping the kirk, and other matters quite extraneous to the designed inquiry. The soldiers sat on horseback, with their swords drawn, round about the country people in the fields. Old and infirm people who had not been from their houses for many years, were brought out, and those who were not able to walk, were brought on horses, and such who were not able to sit, were tied one to another on horseback; none were permitted to return till the judges examined them. At night, the court adjourned to Mid-Calder, and all not examined were ordered to attend there, where the people were examined in the church. But, passing these circumstances, I only remark, that all this trouble the country was brought to, made no discoveries I can hear of.

November 25th, "The lords of his majesty's privy council approve the draught of the oath underwritten, to be offered to all persons whom they or their commissioners shall think fit."

I, A. B. do hereby abhor, renounce, and

disown, in the presence of the Almighty God, the pretended declaration of war 1684 lately affixed at several parish-churches, in so far as it declares a war against his sacred majesty, and asserts that it is lawful to kill such as serve his majesty in church, state, army, or country, or such as act against the authors of the pretended declaration now shown to me. And I do hereby utterly renounce, and disown the villanous authors thereof, who did, as they call it, statute and ordain the same, and what is therein mentioned. And I swear, I shall never assist the authors of the said pretended declaration, or their emissaries or adherents, in any point of punishing, killing, or making of war any manner of way, as I shall answer to God."

This is the first shape of the abjuration oath, we shall have it just now in the proclamation a little shortened, and this was new matter of severe persecution to the west and south of Scotland next year. That this might be the better pressed, the council send west lieutenant-general Drummond, and, besides him, name many particular commissioners in the particular districts in the south and west. They are mostly the persons named in the beginning of this year, with some few others, some of whom will come in just now; it is their instructions and commissions will be of most use to the reader, to discover the temper of this period. And December 2d, I find the council direct the following letter to the commissioners of the several districts in the southern and western shires.

RIGHT HONOURABLE,

"The king's majesty having granted an indemnity, February 26th last past, and the council considering there may be persons within your districts, who may fall in to share in that indemnity, and being willing none should fall short of it, have sent you the following instructions thereanent.

"PERTH."

This is the first time I meet with this indemnity, though granted February last. What were the motives in the managers to keep it up till now, I shall not inquire, neither can I learn from the registers it was published at all. In February or

1684. March next year, an indemnity is published at the accession of king James, but till then I can learn of no other since the year 1679. However, they now clog the indemnity with the abjuration oath, and put it entirely in the hand of the commissioners, to apply the king's pardon, or not, as they see cause. The instructions will best speak for themselves.

Instructions for applying his majesty's indemnity.

"1. You are, conform to his majesty's indemnity, to set at liberty, and free all persons imprisoned, or under bond, by you not fined: and though they be sentenced to banishment, they being under the degree of heritors, liferenters, wadsetters, or burgesses of burghs royal, and vagrant preachers.

"2. By vagrant preachers you are to understand indulged ministers, and such as are in orders, but not licensed according to law, whom you are not to dismiss or liberate, but upon their enacting themselves, or finding others caution for them, that they shall not hereafter exercise any part of the ministerial function within this kingdom, under the pain of five thousand merks, otherwise find caution under the same sum to remove off the kingdom within twenty days, and not to return without license, and meanwhile to live peaceably.

"3. If any persons already declared fugitives, shall within twenty days after the date of his majesty's proclamation, address to you, and testify their acceptance of the said pardon, by taking the allegiance, or finding caution to transport themselves out of his majesty's three kingdoms, before the twentieth day of May next, after the date of his majesty's proclamation, and to live peaceably till then, and not to return without license, on pain of death, you are to admit them.

"4. But before you offer his majesty's said pardon to any of the foresaid persons, you are to cause them swear the late oath of abjuration, and that they shall never take up arms against the king, or any commissionate by him, upon any pretext whatsoever; and if they refuse so to do, you are to secure them in firmance, until

you report to the council, and have further orders; and you are to give the ordinary pass to all such as take the said oath."

But to awe the country the more, beside the former commissioners, some are more especially appointed to traverse the country with a justiciary power lodged in them solely. Thus, December 4th, the council send lieutenant-general Drummond to the west and south. His commission and instructions will best show his powers.

Commission and instructions to lieutenant-general Drummond.

"Charles, &c. Forasmuch as we and the lords of our privy council are certainly informed, that there are certain fugitive rebels now in arms, in several places in the south and western shires, who by themselves, their adherents and accomplices, do daily commit great abuses and insolencies, to the disturbance of our peace, and the disquiet of our loyal people. We, to the effect that these rogues and villains may be reduced, do, with advice of our privy council, constitute lieutenant-general Drummond, master general of our ordnance, our justice in that part, to the effect underwritten, with power to him to go to the said south and west shires, or any parts thereof, where the said rebels and their adherents do mostly resort, and then and there, as he shall think expedient, to affix and hold courts of justiciary, call assizes, &c. (as in common form before specified) and call any of the said rebels or their adherents, or persons suspect, and cause justice be done on them according to law and practick, and acts of parliament of this realm, and instructions given by our council of the date thir presents. Promitten, to hold firm and stable; and ordain this commission to continue and endure till the first of January next."

Instructions given with the above specified commission.

"1. You are to go to the southern and western shires, where several rebels and their adherents are, or do haunt and resort, and do commit great insolencies and abuses; and for your assistance in reducing and punishing them according to your commission, you are to take with you the forces

following, half of the troop of his majesty's life-guard, four troops of Claverhouse's regiment of horse, the earl of Balcarras, Airly, and lord Ross their troops, six troops of general Dalziel's regiment, with two hundred foot out of the earl of Mar's regiment; and with them you are to pursue, take, and apprehend and kill the foresaid rebels and their abettors.

"2. You are to call before you all such persons who have been in the late rebellion, and have not taken the benefit of his majesty's indemnity, and their reseters, as also, all such who have been actors in contriving, accessory to the publishing, or affixing, or do any manner of way approve of, or allow the late treasonable paper and declaration.

"3. You are to quarter the said troops under your command, upon your march up and down the said shires, either in burgh or land, as you shall find most expedient; and you are to settle garrisons of horse and foot, and dragoons in such places, and consisting of such numbers, as are contained in a list given you for that purpose; and to make such alterations in the said garrisons as you shall find most proper for the king's service, and the peace of the country; and you are to require all sheriffs and magistrates where those garrisons are to be established, immediately to convene the commissioners concerned to provide them, and to certify the sheriffs and other magistrates, that if they prove negligent, they will be convened before his majesty's privy council, and fined therefore; and if they be negligent, you are to allow the forces in that case to take what they want at their own hand; and generally, you are to do every other thing necessary, which may most conduce to his majesty's service, and the good of the country."

At the same time the council write a letter to the duke of Hamilton, acquainting him, that they had sent west lieutenant-general Drummond, with a justiciary power to go through the western and southern shires, and try rebels and fugitives, and vagrant skulking persons in the said shires, and, where he finds it necessary, to establish garrisons, especially in Lanarkshire; and desiring that his grace may con-

vene the commissioners, who are proper to provide the garrisons with all necessaries. 1684.

Besides those powers granted to the lieutenant-general, some other commissions are granted to private persons, who would undertake them, to search for, and take suspected persons in places which the regular forces could not so easily reach. Thus I find a new highland host is brought down upon the shires of Renfrew and Dumbarton, under the laird of Orbiston. The commission is a little singular, therefore I insert it. Date, December 8th, 1684.

"Charles, &c. Forasmuch as we understanding there are several rebels and fugitives, who do haunt and skulk in the shires of Dumbarton and Renfrew, and that there are several outed ministers who reside within the same, to the great disturbance of our peace, if a present remedy be not fallen upon for preventing the abuses committed by the said rebels and fugitives, and our people from being debauched into disloyal and seditious principles by those outed ministers. Therefore we, with, and by advice of the lords of our privy council, do give and grant full power and authority to William Hamilton of Orbiston, to levy voluntarily two hundred highlandmen of the shire of Dumbarton, and with them, or any part of them, as oft as our service shall require, to march to any part of the said shires, and pursue, take, and apprehend the said rebels and fugitives, vagrant and skulking persons and their reseters, and commit them to some firmance or ward till they be legally tried. And in case any of the said persons be in arms, resisting and refusing to be taken, we do hereby fully empower the said laird of Orbiston and those with him, to kill, wound, and destroy them, and deliver such of them who shall be taken alive, to our next commissioned officer of our forces, to be brought in prisoners to the tolbooth of Edinburgh, in order to be brought to a legal trial, or to be otherwise disposed of as our council thinks fit. And in pursuance of the said commission, we do authorise the said laird of Orbiston, to employ spies and intelligencers to go in company with the said rebels and fugitives, as

1684. if they were in their party, the better to discover where they haunt and are reset; and if they can, to apprehend and present them unto him for the effect foresaid.* As also with full power to the said laird of Orbiston, to take and apprehend the persons of all outed ministers, who shall be found within, or resort unto the said shires, and send them in prisoners to the tolbooth of Edinburgh, or deliver them to the nearest officers of our army, to be brought in prisoners accordingly. It is also hereby provided, that the said laird of Orbiston take care that those persons employed by him commit no disorders, and the country through which they pass receive no damage by them. And for the better encouragement of the said laird of Orbiston, and those with him, we indemnify him or them in case of resistance, where persons may be killed, wounded, or mutilated, and for conversing with rebels and fugitives to the ends foresaid, and from all pursuits criminal or civil in all time coming; and do declare this our indemnity to him and them to be as sufficient and valid as if the same were under our hand and great seal; and this our commission is immediately to begin and take effect, and to continue and endure till we or our privy council shall recall the same."

The hardships and difficulties the poor people in the west and south were brought under by this army sent upon them, are

* The following story is known still to the people in the neighbourhood of Duchal. The commander of the party employed in Renfrewshire, sent two of his men to collect information concerning Duchal and his lady to the place or house of Duchal. They applied to the lady for quarters, pretending to be persecuted covenanters. The lady ordered them to the barn, and sent a mess of porridge for their supper. They fell to eating the food *without asking a blessing*. The servant from this circumstance conceived suspicion, that they were not of the right kind. The lady was sorely afraid, and laid her fears before her husband. Duchal brought the two soldiers to the front of his house, and in the presence of all his domestics, inflicted discipline by the horse-whip on the "rebellious whigs," as he pretended on their own averment to consider them, and who had thus by a crafty device attempted to bring him into trouble. After the whipping, he bound them hand and foot, and threw them into the old vault of Duchal castle, till the commander came, and relieved the *pseudo-covenanters*.—*Ed.*

indeed inexpressible. Some particular instances may come in afterwards, this and the next year; but the reader will easily perceive what furious and exasperate soldiers would do, when they had so large powers and commissions. We shall presently meet with more commissions given to some select persons in every shire, which perhaps superseded the giving them to particular persons.

At length, December 30th, after all those steps taken to harass and persecute the country, before any previous warning given to them, of the danger of the societies' Apologetical Declaration, and the necessity of the taking the oath of abjuration, which, one would think, ought to have been the first step should have been taken, the council emit their proclamation against their declaration, which I have insert below.*

* *Proclamation against a treasonable declaration, Dec. 30th, 1684.*

Present in council.

Earl of Perth lord high chancellor.

Lord archbishop of St Andrews.

Duke of Queensberry lord high treasurer.

Lord archbishop of Glasgow.

Marquis of Douglas.

Earl of Kintore.

Earl of Drumlanrig.

Lord Yester.

Earl of Mar.

Lord Kinnauld.

Earl of Glencairn.

L. President of Session.

Earl of Strathmore.

L. Register.

Earl of Southesk.

L. Advocate.

Earl of Panmure.

L. Justice-clerk.

Earl of Tweeddale.

L. Castle-hill.

Earl of Balcarras.

Gossford.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as several insolent and desperate rebels, having frequently refused the reiterated offers of our clemency, have of late associated themselves, under a pretended form of government, in societies, fellowships, &c. and have, in their meetings, at last pulled off the mask under which they formerly endeavoured to disguise their bloody and execrable principles, and openly and avowedly declared, in a late treasonable paper emitted by them, and affixed at several parish-churches, (intituled, The Apologetical Declaration and Admonitory Vindication of the true Presbyterians of the Church of Scotland, especially anent Intelligencers and Informers) that they have disowned us and our authority, and have declared war against us; and from that do infer that it is not only lawful, but a duty upon them, to kill and murder all who do in any manner of way, serve us, or who do assist our judicatures, or forces in the execution

The names of the sederunt are insert to make it the more remarkable, but why the title of the proclamation runs, 'against the horrid principle of assassination,' the framers

best knew. The society people expressly disown it. I do not at all ^{1684.} offer to defend their paper, yea, I really think allowances may be made to the man-

of our laws (principles inconsistent with all government and society, and tending to the destruction of the lives of our loyal and honest subjects) therefore we, with advice of the lords of our privy council, do hereby ordain, that whosoever shall own the said most execrable and treasonable declaration, or assassinations therein mentioned, and the principles therein specified, or whosoever shall refuse to disown the same, in so far as it declares war against his sacred majesty, and asserts that it is lawful to kill such as serve in church, state, army, or country, shall be tried and executed to the death. And further, we hereby require and command all our good subjects, especially those dwelling in the southern and western shires of this our ancient kingdom, besouth the river of Tay, that they be ready, upon all occasions, to concur with our magistrates and officers, in seeking, searching, and apprehending; and that they, and each of them, do their utmost endeavour, to seek, search, delate and apprehend any who shall own the said Apologetical Declaration, and the treacherous and assassinating principles therein mentioned, or refuse to disown the same, as said is; certifying them, if they fail herein, they shall be proceeded against, for their said collusion and connivance, with the utmost severity of our laws. As also that, when they are required, they shall actually concur to keep and secure (as prisoners) the said rebels, when they are taken; and to search for, and drive away their goods, when required by those commissioned by us. And since these rebels, after declaring their hellish intentions, for the better performance of their mischievous designs, do lurk in secret, and are never discerned, but in the acts of their horrid assassinations, and passing up and down unknown amongst our loyal subjects, take opportunity to murder and assassinate, and it being necessary to provide a remedy against so imminent a danger, which cannot be so well done, as when the good are differenced from the bad by discriminating signs; at least constant inquiries may occasion a continual trouble, even to our good subjects: Therefore, as a remedy for these inconveniences, we declare it to be our royal will and pleasure, and we hereby command and require all our subjects, within this our ancient kingdom, both men and women, past the age of sixteen years, not to presume to travel without testificates of their loyalty and good principles, which they are to have in manner following. And we hereby command all heritors, liferenters, and wadsetters, and, in their absence, their factors and chamberlains, to convocate all the inhabitants upon their lands, in every respective parish, and to bring them before any of our privy counsellors, or our commissioners appointed by our council, in the shires and bounds underwritten, viz. Lanark, Renfrew, Ayr, Dumbar-ton, Stirling, Nithsdale, and stewartry of Annandale, Wigton, and stewartry of Kirkcudbright, Berwick, Selkirk, Fife, and Kinross, Mid, West, and East Lothians, and Bathgate, (including our city of Edinburgh, with the suburbs and liberties thereof,) and bounds betwixt

Spey and Ness, (including Strathspey and Abernethy) or any three of them, or before the sheriffs of the shire, where there are no such commission, to deliver them an exact list of the names of all their inhabitants; and the master and all the inhabitants, shall, in solemn manner, in presence of the said commissioners, take the following oath, viz. "I, A. B. do hereby abhor, renounce, and disown, in presence of the almighty God, the pretended declaration of war, lately affixed at several parish-churches, in so far as it declares a war against his sacred majesty, and asserts, that it is lawful to kill such as serve his majesty, in church, state, army, or country." And such as can subscribe, are to subscribe the same, on a large sheet of paper, for every parish: and on performance thereof, the said commissioners are hereby ordained to deliver to every such person, a testificate of the tenor following, viz. "We, A. B. &c. do, by these, testify and declare, that C. in the parish of D. did compare before us, and on his, or her solemn oath, before almighty God, did abjure and renounce the late traitorous Apologetical Declaration, in so far as it declares war against his majesty, and asserts, that it is lawful to kill such as serve his majesty in church, state, army, or country." Which testificate we declare is to serve for a free pass to all who have the same for all time thereafter, and shall preserve them from all molestation and trouble in going about their affairs; and if it shall happen any of the said testificates to be lost by the persons who receive the same, that they are to have them renewed by them who first granted them, and the ministers of the respective parishes; certifying hereby, all such who shall adventure to travel without a testificate in manner foresaid, that they shall be holden and used as concurrers with the foresaid execrable rebels, and as guilty of the foresaid treasonable Declaration, and accessory to the designs therein. And to the effect this our will and pleasure may be made known to all concerned, we hereby require and command all our sheriffs, and magistrates of our royal burghs respective, to cause intimate the same at all the parish-churches within this kingdom, upon the Lord's day after divine service, and that with all possible diligence; and that the heritors, liferenters, and wadsetters in every parish give in their foresaid lists, before the regular incumbent minister, and such a person or persons as shall be appointed by the sheriff and steward of each shire and stewartry, within the space of fifteen days after the said intimation at the parish-churches respective; and in case it shall happen any to be absent from their residences, at that time, upon lawful occasion, their master shall take a competent day to produce them, conform to the distance of the place; and all who are otherwise absent, and for whom their masters will not engage in manner foresaid, shall be considered as fugitives, their families seized on in order to their transportation, and their goods inventoried and secured; and it is hereby declared, that the master shall be answerable that none of the goods of the said persons be taken off the

1684. agers, when they reckoned they had gotten such an open affront; and I could bear with them in going further now than upon other occasions, but the reader must observe they go very far. I can scarce doubt, but some of the managers knew the nature of their meetings: Earlston had given a very fair account of them, and yet they take it for granted, their fellowships and societies for prayer and conference, were a form of civil government, and levelled at bloody and assassinating designs. I am apt to believe, some of the managers knew other things, though they speak thus. And upon this false supposition, the proclamation orders all that do own this declaration, or do not disown it, to be tried and executed to death. And that this was hard, will appear, not only from the scruples we have heard, against owning or disowning things, at the order of the persecutors, but will be yet plainer, if we charitably suppose, what, they say themselves, is true, that they were driven to this last shift, not from any design of

assassination, which they say they abhor, but merely in self-defence, and they advance much to prove, that their assertions go no further. But I leave their defences to themselves. This I know, that many poor country people would not disown their paper, not from the least inclination to the principles the proclamation speaks of, but because they imagined the disowning of this paper was a disowning of the poor persecuted people, and an approbation of the cruelties and hardships put upon them; and it was certainly unaccountable to butcher multitudes of them merely for their opinion, and that in a very few minutes. I may take notice further, that the council, or rather criminal court by their direction, found the not giving poor country people's opinion upon this paper, sufficient ground to execute them, even before this proclamation; and the proclamation orders a trial and execution upon the back of it: but the soldiers would not insist upon this nicety, but wherever they found people who would not answer their questions, they immediately despatched them; and in this

ground until those employed by us shall intermit with them; and if any of those who compare shall own the said traitorous declaration, and the principles and practices therein asserted, or shall refuse to disown the same in manner above prescribed, the said commissioners are hereby required instantly to secure and apprehend their persons, and carry them to the next burgh, sheriff. bailie of regality, or any of our forces who are nearest; and any who shall receive them, are hereby required to carry them to the surest prison next adjacent, there to be kept till our council be acquainted therewith, and give order therein; and the apprehenders are hereby empowered to call to their assistance, such of our lieges as they shall think fit for executing of our commands; and if any shall refuse to concur, we declare they are to be holden as concurrers with and assisters of these rebels; and that if any heritor, liferenter, or wadsetter shall fail in doing as aforesaid, they shall be holden as guilty of the foresaid crimes, and pursued and punished accordingly: and we do hereby strictly prohibit and discharge all our lieges whether to burgh or land, as well all other house-keepers, as hostler-houses, inn-keepers, and other houses of common resort, to harbour, lodge, or entertain any person whatsoever, unless they have such certificates as is above prescribed, under the pain of being punished as reseters of, and intercommuners with rebels. And for further security and prevention of fraud, it is hereby required, that the users and havers of the foresaid testificates shall be holden and obliged to swear, that these testificates are true and unforged testificates,

and that they are the persons mentioned and expressed in them, if the same shall be required of them. And finally, for the encouragement of such as shall discover any of the said traitors and assassins, or any who have been any ways in accession to the said traitorous and damnable paper, or to the publishing and spreading of the same, as said is, or to have been a member of the said pretended societies and fellowships, &c. We hereby declare and insure to them, and every one of them, who shall discover any of these assassins, or pretended members, a reward of the sum of five hundred merks Scots, for each of them who shall be discovered, so as to be apprehended, and found guilty. And to the effect that all our lieges may have notice of our pleasure in the premises, our will is, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and remanent market-crosses of the whole head burghs of the shires of this kingdom, and there, in our name and authority, by open proclamation, make publication of these presents, that all persons concerned may give exact and punctual obedience thereunto, as they will be answerable at their highest peril. And we ordain these presents to be printed.

Given under our signet, at Edinburgh the thirtieth day of December, one thousand six hundred and eighty four, and of our reign the thirty sixth year.

Per actum Dominorum secreti Concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save the king.

the act of council appears to warrant them, though I do not observe that the proclamation does. It needs scarce be remarked, that the proclamation involves the whole subjects, in assistance to magistrates and army, in those severe courses, which was hard enough, but now very common, and then under a pretext too, to ease the country, whereas it was really to involve them. All above sixteen years are obliged to have passes of their loyalty, and these were only to be had upon their swearing the abjuration oath, as in the proclamation. I shall say very little upon this oath; the more frequently oaths, and that in different shapes, upon every new turn, be imposed, the less they are for the real security of a government, and the design of them is lost. I own, for as short as the oath is, it runs very oddly to me: the swearer disowns, in the presence of God, 'this pretended declaration of war, in as far as it declares war;' and it seems to need explication as well as some parts of the test, and many things might hinder persons to swear such a proposition as this, who were heartily against assassination; and yet all must have this pass, otherwise must be reckoned 'concurrers with the said execrable rebels, and owners of the said Declaration.' This made a short process, and, for any thing I can observe, all who wanted a pass, might be murdered by the next soldier who met them; and every one who refused to concur in harassing these poor people, is to be holden as guilty as the refusers; and all persons and public houses who entertain any wanting this pass, are laid under the pains of being punished as reseters of rebels; and every body who is required (by an hostler, or stable-keeper, for any thing I know) to swear that his pass is good and genuine, must do it; which, I fancy, will be found a clause peculiar to this time, and nowhere else to be found. And lastly, the proclamation offers 500 merks to the discoverers of any that had accession to the societies' paper, or any of the members of the societies or fellowships. Their price is much fallen. We have seen 9000 merks set upon the discovery of an intercommuned minister, and 10,000 merks on the archbishop's assassina-

tors; and yet but 500 merks now is put upon the alleged patrons of 1684 assassination. No body can be more for a government's discouraging all things which tend to assassination and murder than I; but this is an odd way of doing it, especially when disclaimed in the paper itself: and every body must observe, that the former orders and this proclamation, did, in the event, open a wide door to multitudes of murders and assassinations of some very pious persons, as we may afterwards hear. In short the managers took occasion, from this unhappy paper of the societies, terribly to renew their oppression of the country, and maliciously and slanderously to charge it upon the body of suffering presbyterians, who, as they knew nothing of it, so were very far from approving it; yea, the reader will find the societies themselves, afterwards, in the informatory vindication, disown it as a declaration of war, almost in the very terms the government require it to be disowned, and asserting, that in this paper they acted merely *ad terrorem*, and for self-preservation and expressly disclaiming all authoritative and magistratical power; however, dreadful was the havoc and trouble the whole country was brought under for it.

This will in part appear from the commission given the same day the proclamation is emitted by the council, to great numbers in every shire almost, to hold courts, and bring every body to trouble, and the instructions and powers granted them, which I shall next insert. The execution of those commissions will come in next year.

December 30th, the council give the underwritten commission to the persons named in it.

Commission.

"Charles, &c. Forasmuch as, notwithstanding all the fair and legal methods used by us and our privy council, for reducing those who have been debauched with schismatical and seditious principles, yet several of them do not only continue in their former irregular practices; but also considering, that several desperate rebels and fugitives, who have been still reset, sheltered, and supplied in the country, since the year

1679, have now of late erected themselves in a mock form of government, do disown us, our authority and laws, and have declared war against us, and from that do infer that it is not only lawful, but duty on them to kill us, and all who serve under us; and yet such inhumane monsters, who, in pursuance of their traitorous declaration, are daily committing bloody and execrable murders, are sheltered, supplied, reset, and connived at in several of our shires; and we being fully resolved, that those accessory to the late rebellion 1679, or who reset any who was there, and that those bloody wretches, and all who any manner of way have harboured, reset, sheltered, supplied, connived at, or has seen or heard of any of them, and hath not given timeous advertisement to our nearest magistrates or officers of the forces, or have not observed the prescript of our laws against irregularities and disorders in ecclesiastical matters, should be brought to due and condign punishment: we, with consent of the lords of our privy council, have thought fit to grant our full power, authority, and commission, to the persons aftermentioned, for prosecuting the persons guilty of the said crimes, in the bounds and manner after specified. Likeas, we give and grant full power and authority, and commission, to John earl of Carnwath, William Hamilton of Orbiston, Cromwell Lockhart of Lee, John Johnston provost of Glasgow, and James Lundy of Strathardly, for the shire of Clydesdale, the said earl being convener. To the earl of Glencairn, lord Cochran, lord Ross, the said William Hamilton of Orbiston, Houston younger of that ilk, and John Shaw younger of Greenock, for the shire of Renfrew, the said lord Ross convener. To lord Bargeny, Blair of that ilk, Sir Archibald Kennedy of Colzean, Sir William Wallace of Craigie, Hugh Cathcart of Carlton, and Robert Hunter provost of Ayr, for the shire of Ayr, the lord Bargeny convener. To the said William Hamilton of Orbiston, the laird of Luss, major-general Arnot, lieutenant-governor of the castle of Dumbarton, the laird of Ardincaple, and John Graham of Dougalston, for the shires of Dumbarton and Stirling, the said laird of Orbiston being con-

vener. To the earl of Annandale, Sir Robert Dalziel of Glenae, Sir Robert Grierson of Lagg, Sir James Johnston of Wester-rav, Thomas Kilpatrick of Closeburn, and Robert Lawrie of Maxwellton, for the shire of Nithsdale and stewartry of Annandale, earl of Annandale convener. To John viscount of Kenmuir, the said laird of Lagg, David Dunbar of Baldune, Sir Godfrey M'Culloch of Mireton, and Mr David Graham sheriff-depute of Galloway, for the shire of Wigton and stewartry of Kirkcudbright, Kenmuir convener. To the lord Jedburgh, lord Cranston, M'Doual of Mackerston, Sir William Douglas of Cavers, Sir William Ker of Greenhead, Sir William Elliot of Stobs, and William Ker of Chatto, for the shire of Teviotdale, lord Jedburgh convener. To John Riddel of Hayning, Sir Francis Scot of Thirlstone, Thomas Scot of Whiteslaid, Sir Robert Pringle of Stichel, James Murray of Dewchar younger, for the shire of Selkirk, the said laird of Hayning convener. As also to the commanding officer of our garrisons, in the respective bounds and shires. To meet and convene at the head burgh of the respective shires, and their first meeting to be upon the fifteenth day of January next; and in case of absence of the conveners named, with power to choose their own convener. Appointing them, or any three of them, in the foresaid shires and bounds respectively, to proceed against, punish and sentence, according to our laws, such persons therein as they shall find, by their own confession, or other legal probation, guilty of being present at house or field-conventicles, withdrawing from public ordinances, disorderly marriages and baptisms, and other ecclesiastical disorders. And we do further appoint the foresaid, or their quorum, within the respective shires and bounds, to be our justices in that part, with full power to meet at such times and places as they shall find convenient, and then and there to affix and hold courts, &c. (as in common form) and this to endure until the first of March next."

January 13th next year, I find the council add another commission for the shire of Berwick, "to Sir Archibald Cockburn of Lanton, Sir James Cockburn of that ilk, Hume of Linthill, and Mr Charles Hume

of Ayton, with the earl of Hume their convener. And to Sir Archibald Murray of Black-barony, David Murray of Stenhope, James Nasmith of Posso, James Geddes of Kirkid, Richard Murray of Spittlehaugh, and William Horseburgh of that ilk, for the shire of Peebles, Black-barony convener." The day of their meeting is January 22d.

The council, with this commission, gave them very particular instructions, which deserve a room likewise here.

Instructions to commissioners, to meet January 15th next.

"1mo. You shall meet together, three being a quorum, the 15th day of January, and according to the proclamation, examine all in each parish on oath, upon the interrogatories contained therein. And for so doing, each of you may examine a parish apart, and secure such as refuse, and each of you may likewise give passes, in the terms of the proclamation, to such as disown those horrid principles.

"2do. If any person own the principles, or do not disown them, they must be judged at least by three. And you must immediately give them a libel and the names of the inquest and witnesses, and they being found guilty are to be hanged immediately in the place, according to law. But at this time you are not to examine any women, but such as have been active in the said courses in a signal manner, and those are to be drowned.

"3tio. You are to proceed against the absent men, not by denouncing them rebels, but by holding them as confessed upon a pecuniary *mult*, and they being thereupon decerned, conform to the king's letter, their moveables are to be inventared and sequestrate.

"4to. You must proceed against all who are guilty of having been at Bothwell-bridge, or were in accession thereunto, except they have taken the indemnity; but you are not to proceed so summarily, but give them time. And if they take the test, and be very penitent, let them find caution, or enact themselves to appear when called.

"5to. You must likewise proceed against heritors guilty of church-disorders, since their former fining. And if any have not

been adequately fined, you may proceed against them for the superplus. 1684.

"6to. You may examine witnesses as you see cause, against such as are given in the list, to be pursued before the parliament.

"7mo. If you find probation against heritors not yet delated, you may take them before you, both as to the rebellion, and the late conspiracy.

"8vo. You are likewise to cause the whole packmen, cadgers, and drovers, within the bounds of your shire, find caution not to carry letters or intelligence to the rebels, or to sell to them, or give them ammunition, or supply them any other manner of way.

"9no. You are to cause the whole merchants of your shire, who have any powder, lead, or any sort of ammunition, or were in use to sell the same, give their solemn oath as to the quantity and quality thereof, and find sufficient caution that the same shall not be given or sold to rebels. And if they fail to give the said caution, all the ammunition is to be secured and taken from them, until the same be called for by the master of the ordnance, and brought to his majesty's magazines.

"10mo. If the foresaid packmen and other wandering persons in your shire, shall not compear, and shall refuse to find the foresaid caution, that by order of the said commissioners their packs be seized, and their persons secured till further order from the council.

"11mo. You shall call for, to your assistance, such parties of horse or foot in your district, as you shall have occasion for, who are hereby ordered to obey you. And you are to meet at such convenient times and places, as may be most for the ease of the people."

I meet with no more in the registers relative to this declaration, but what will come in next year, under the rigorous execution of those commissions and instructions, unless it be that, January 9th, the council empower the magistrates of burghs to tender the oath of abjuration to all concerned, conform to the proclamation.

The last thing I promised in this section, was to give an account of the criminal prosecution before the justiciary, and public executions of some country people, who re-

1684. refused to disown this paper of the societies about which so terrible a bustle was made. I shall first give an account of their process, from the justiciary registers, and then give some further hints of them from some other papers.

December 8th, George Jackson, Thomas Wood, Alexander Heriot, James Graham, and Thomas Robertson, and with them Patrick Cunningham, John Watt, James Kirkwood, Alexander Vallange, and James Glover, are indicted, 'That upon the 28th of October last bypast, they did emit a most barbarous and hellish proclamation, that they would begin their assassination and war. Upon the 9th of November, after the promulgation of this villanous paper, and this paper having been posted upon the kirk-doors of Kilbride, Linlithgow, and other places, the pannels were taken, and at their examination, owned ilk one of them, or would not disown that paper upon oath, in so far as it declares war against the king, and that it is lawful to kill the king's officers of state, counsellors, justices, soldiers, or informers, or declare, if they had any hand in emitting of that paper. Wherethrough ilk one of them are guilty of contriving, emitting, and publishing the foresaid treasonable declaration, at least are adherers thereto, in refusing to disown and disclaim the same by oath, and ought to be punished with forfeiture of life, land, and goods, to the terror of others.' The five last named, as in presence of almighty God, renounce and disclaim the principles above-mentioned, at the bar, and their diet is deserted *simpliciter*. The diet against the other five is continued till tomorrow. December 9th, the lords find the libel relevant, viz. that the pannels own, or refuse to disown the traitorous proclamation, whereby war is declared against his majesty, and asserting, that it is lawful to kill those employed by his majesty, to infer the crime of treason, as art and part of the said treasonable paper, and remit the same to an assize. The probation adduced by the advocate, is the pannels' judicial confession in the court yesterday, whereby they refused to disown the said paper when read to them, to which the pannels adhered, and disowned the king's authority. Alexander Heriot disowns the proclamation, and at the bar ac-

knowledges upon oath, that it is not lawful upon any pretext whatsoever to rebel against his majesty, or any in authority under him; and the diet is deserted as to him, *simpliciter*. The assize bring in the other four guilty, by their own confession. And the lords sentence them to be taken to the Gallow-lee this day, December 9th, betwixt two and five in the afternoon, and hanged.

Thus this matter stands in the records. I have some other hints as to those good men, from other papers, which deserve a room here. George Jackson lived in the parish of Eastwood, and we have heard that this fervent zealous country man was taken at Glasgow, being overheard praying in a house. A little after he was seized he was carried before the bishop, and by him examined upon several questions very captious. It may not be unfit to point at some of them, that the reader may have some further taste of the bloody and bitter temper of the prelates, and the methods they used. The bishop asked him, if he was at Bothwell-bridge. He answered, yes. He was next asked if he was an officer, and said, no; for he was but sixteen years of age. The bishop then asked him, if he was at Bothwell rebellion. George answered, he allowed himself in no rebellion against God. The bishop asked, if it was rebellion against the king. The other said, he had answered that already. The bishop asked, if he would pray for the king. He answered, he reckoned it his duty for all within the election of grace. The bishop asked, is the king within the election of grace, or not. George answered, if you were such a man as you pretend to be, you would not ask me such a question. Then he was asked, if he owned authority. He answered, he owned the king and inferior magistrates, in as far as they were a terror to evil doers, and a praise to them who do well. The bishop asked, are they not so. George answered, when the Lord Jesus shall sit judge, they, and you, and the like of you, will count for it, whether you be or not. He was asked, if the bishop's death was murder; and answered, he was not concerned with those matters. The bishop left him, with saying in a considerable heat, Sir, the boots will make you free in your answers.

All the last winter he was kept in the irons, without any fire; and May last, he was carried in to Edinburgh, where, being called before a committee of the council, he came in with a Bible in his hand; perhaps he would not leave it in the iron-house, and had none to give it to till he came back. I would not notice this circumstance, were it not to discover the jeering scoffing temper of the persecutors. The advocate says when he came near, There comes he and his Bible, let us see where the text is. George calmly answered, he was not a minister. Put up your Bible, says the other, we are not for preaching at this time. He answered, he was not come to preach, but since they insisted upon his Bible's being in his hand, which was no crime, he wished they would make it the rule whereby he was to be judged; for they would ere long be judged by it. It was replied, he was now come to be judged, and not to judge them. And then the ordinary questions were put to him, which he answered much the same way as above to the bishop. He continued in the irons till the bustle about the society's paper, and then was posed, if he owned that declaration. He answered, as far as was agreeable to the word of God; but he allowed of no murder. The council remit him to the justiciary, where we have heard his sentence. He died in much comfort and serenity.

Thomas Wood, we formerly heard, was taken after the rescue at Enterkin-path. I have before me his account of his examination under his own hand. November 12th, when the managers are in a rage upon the society's declaration, he with others were called in, and had that paper read to them; and Thomas was asked what he had to say of it. He answered, he never heard of it till now, and could scarce understand it, the clerk read it so fast. He was asked, but do you adhere to it. He answered, as far as it is agreeable to the word, but no further. But, added they, the covenants are in it, do you adhere to these. He answered, I do. And after some questions, if he was at Bothwell, or Ayre-moss, where he was not, he was dismissed.

James Graham tailor in the parish of Cornmichael in Galloway, when coming

home from his work to his mother's house, he was overtaken in the ^{1684.} high way by Claverhouse and a party of soldiers. They knew him not, and had nothing to lay to his charge, but searching him and finding a Bible in his pocket they took it and his tools from him; and, without asking any more questions, no doubt reckoning him a disloyal person, carried him with them to Kirkcudbright. From thence they took him to Wigton, and from thence to Dumfries, where he was some time in the irons, because he would not answer their interrogatories. He was in a little time taken into Edinburgh, and questioned upon the declaration of the society, and refusing to answer, was condemned, and died most comfortably.

Thomas Robertson had fled out of the south country, and lived some time at Newcastle; he was there imprisoned upon his refusing to take the English oaths. By some means or other he got out of prison, and came to Edinburgh, where, at the general search November last, he was taken; and, when brought before the council, he was soon ensnared by their interrogatories, and remitted to the justiciary, where he was condemned with the rest. By his last speech he appears to have been a serious pious man.

Thus we see, none of those persons were, or could be concerned in the societies' paper, they being in prison and elsewhere at the time, and since: yet precisely upon their refusing to judge about it, and condemn it, they are sentenced, and die, to be a pattern to the soldiers in their more summar sentences up and down the country, or to satisfy the present rage the managers were in from the societies' paper.

This is all I meet with from the registers, relative to this declaration: and the reader will find other instances of severities through the country in the next chapter. Upon the whole, he will with me regret the lamentable consequences of that ill-worded and ill-timed paper, and observe the activity and vigilance of the persecutors. They slip no occasion given them of harassing and oppressing the country, after all formerly laid upon it this and former years. I come now to finish this year and chapter with

1684.

SECT. VIII.

Some general hints of the persecution, particular hardships, and murders in the fields, with some other accounts which came not so well in upon the former sections this year, 1684.

MATTER hath swelled so much upon my hand, and I was so knit down by the large subjects, I thought needful to put together in the former sections of this chapter, that I chose to leave to this place many general accounts of the persecution of this year, and some particular sufferings, of which I have not the distinct dates, and several other incidental things, which deserve the reader's notice.

I shall first give some further views of the severe persecution in all the corners of the country, by courts, searchings, finings, and banishments, which I have in vouched accounts from the particular parishes, and they are supported by the commissions and large powers we have formerly seen were granted by the government, and then I shall take in some other incidental things from the registers and other papers, which tend to enlighten the history of this year. The former courts, for which commissions were given in the preceding years, continued very frequent, and their severities increased, as appears by the extravagant finings, searchings, quarterings, banishments, and murders in cold blood, now beginning. The persons mentioned in the former years, continued to squeeze the poor country people most arbitrarily for alleged reset and converse, noncompearance at former courts, and other things now made pretexts for oppression. And when matter began to fail them within the compass of the foregoing years, since Bothwell, they ran as far back as Pentland. Thus in Galloway, where that rising began, I find the soldiers exacting considerable sums this year in the parish of Dalry, as the rest of the bonds, extorted by Bannantyne and others. Much money was exacted from the poor people, and the very interest of those notes and bonds reckoned up, and their cattle were taken away, and their

houses rifled, merely upon their pretended accession to Pentland.

In the parish of Tingwall I find finings most severe, and papers before me bear, that the curate of that place made money by them. He used to delate the persons to the courts, and upon pretext of the people's inability and poverty, he interceded and got down the fine to a small matter, which he paid down, and took a right to the whole, and then took his own methods to draw much more from the persons concerned, before they got their discharge. Many other ways he had to share in the fines of persons of his own delating.

I find the laird of Lagg holding courts frequently in Galloway, the beginning of this year, and obliging those who did compear to declare on oath what they knew of those who did not compear, and if they knew where any of the wanderers haunted. In the kirk of Dalry, he gathered all the men of the parish without signifying what he was to do with them, and then brought a party of the soldiers and surrounded the kirk, with express orders to let none out till he gave commission. Then he tendered the test to them all, though none of them in law were obliged to take it, assuring them in the most threatening manner, none should get off till they took it. Many took it against their inclinations. And when by fair means and foul he had prevailed with them, he said, 'Now you are a fold-full of clean beasts, ye may go home.' Yet afterwards getting new informations from his spies, about some of them, he afterward harassed severals who had sworn, and fined them, though they were legally purged, from their alleged faults, by taking the test. I find he exacted upwards of seven hundred merks from three men who had qualified.

David Graham, about the same time, held courts at the kirk of Twinam and that neighbourhood, mostly about nonconformity. His great interrogatory was, if they kept the church, and when many could not depone in terms of law, they were fined, and the fines exacted with all rigour. Courts were held also in the parish of Alawick, and the same methods followed, only with this difference, that the day before the court, soldiers were sent to the houses of those

they chiefly had an eye upon, to quarter there, and bring them with them to the court to-morrow.

At Kirkcudbright likewise there were courts, not only about nonconformity, but also reset and converse. The curate caused almost the whole parish to be cited, and sat in the court, and excused and accused as he saw good, and gave characters of the persons appearing, and a secret mark was put upon such as he alleged were backward in keeping the church, though they declared or deposed in court they were regular, that afterward they might be narrowly looked to. At this court masters were sworn, that as soon as they found their servants kept not the church, they should be dismissed, and parents the same way as to their children. James Martin of Dularg was brought to much trouble at this court. We have met with the sufferings of his son William Martin. I shall here take occasion to insert a hint of the old man's troubles. He had been fined most groundlessly by Middleton's parliament, in five hundred and ten merks; and when he refused to pay that fine, being conscious of no crime, that, and almost as much more, was taken from him by force, as appears by a discharge under Sir William Bruce's hand. He lost much by Sir James Turner's quarterings upon him for his wife's nonconformity. An hundred pounds were taken from him for baptizing a child with a presbyterian minister. Some time after, John Maxwell of Milton fined him in a large sum for his wife's nonconformity, and three yoke of oxen and some horses were taken away upon his refusing to pay it. At length, he raised a process of reduction against Milton before the council, which cost him upwards of an hundred pounds; and the council were so sensible of this persecutor's exorbitancies, that for this and other things for a time they took away his commission. Being this year cited before this court at Kirkcudbright, at the instigation of Mr Colin Dalgleish curate, he was fined in a thousand pounds, for his wife's not keeping the church, and cast in prison till he paid it. There by the severity used, and want of accommodation, he caught a cold, and took a violent cholic, whereof he died in prison.

Thomas Lidderdale this same year, 1684, held courts likewise at Kirkcudbright of a more extensive nature. To these all the neighbourhood were cited, women as well as men, and interrogate upon oath. After some questions about themselves, anent the names of all irregular persons they knew, and wanderers, and where they frequented in that country; and particularly if they knew where any of their goods and gear were, or any person who had anything that belonged to them; and, according to the informations given, such persons were presently harassed, and their houses rifled.

The test was now generally pressed at the courts which were held, and by the persons mentioned in the proclamation, as empowered to grant it as a favour. A great deal of rigour was used this way at Glasgow. Whoever the people who held courts were pleased to suspect, had it tendered to them; and if they refused, to prison they must go, though no other thing could be laid to their charge; and not a few were prevailed with to take it over the belly of their light and conscience, which gave occasion to some bitter and sore reflections afterwards to several of them. A few instances of many that might be given shall here suffice. William Spaldie, tailor in Glasgow, took, and subscribed the test, and in a little time fell under great remorse for taking the Lord's name in vain, and swearing that contradictory oath, as he now apprehended it to be. In this trouble of mind he continued some time, and died not long after in great distress. Some good people visiting him on his death-bed, endeavoured to comfort him, but he refused all of that nature. When he was desired to consider the extensiveness and greatness of God's mercy in Christ, he answered, 'Speak not of mercy to me, I have appealed unto God, and attested him, to judge me, and he will do it. I have sealed and signed my condemnation with mine own hand.' Remarkable and lamentable was the expression of William Muirhead vintner there, at his taking the test. He was but a coarse man, yet his conscience got up upon him on the taking of it; and when he rose from his knees, he said to the administrators, 'Now you have forced me to take this test on my knees, and I have not

1684. bowed my knee to God in my family these seven years.' The poor man went away much discouraged, and next sabbath was taken with a sudden illness, and died. I only mention another instance of the dismal consequences of this violent pressing of this oath. John Anderson indweller in Glasgow, was prevailed upon, with many others, to take the test, and not long after, his right hand and right knee broke out in a running sore, commonly called the cruels. For my share I dare not fix connections in matters of this nature, I only narrate fact, and what the poor man's own apprehensions were. This evil grew upon him, and not many days after he died in great terror, and used to cry out, 'This is the hand I lift up to take the test, and this is the knee I bowed.' We ought to be very sparing in making particular peremptory consequences from providences; but these matters of fact are known to severals yet alive, and many things of this nature were observed up and down the country, but those instances may suffice.

The quartering of soldiers for nonpayment of the cess, was another thing at this time most vexatious to the country. That tax was imposed, and the method of gathering it so ordered, as, one would think, an occasion was sought to stumble the poor country, and to give room for the soldiers to spoil and ravage. The narrative of the act imposing it hath been already noticed, and many honest people did think, that in paying it, they consented to all the black and foul things committed by the soldiers; and their refusal became new matter of sore persecution. A party of soldiers was brought upon the refusers by the uplifter of it, and they quartered till ten times the value of the cess was taken; and, after all, oftentimes the poor man's friends behoved to compound with the publican, for a sum a great deal more than the cess came to, besides the loss by quartering. Thus in the parish of Carsphairn, seven cows were taken away from Gavin Maclymont upon his refusal, after quartering, to pay the cess, and all the sum owing was not five pounds Scots. Vast depredations were made in most parishes this way.

Multitudes were banished this year from their native country, many of whom never returned. We have heard of several instances already; I shall add but one or two here. John Gate thatcher in Glasgow, being at his work upon a house, some soldiers going out upon a party, came to the house, being an ale-house, and called for ale and brandy. The officer called John down from his work, to drink with them. He was unwilling, but durst not refuse lest he should be suspected. When he came down, he was ordered to drink the king's health, this he modestly declined and waved; and it being insisted upon, and he refusing, he was straight sent to prison, and in a little time banished to Carolina. An attested account is come to my hand, since I wrote what is above, of the sufferings of John Gate wright in Glasgow, whom I take to be the person just now named. When he was imprisoned, his wife Agnes Andrew, yet alive, a religious and worthy person, was likewise imprisoned in a different room. Their small family, consisting of eight young children, was scattered, several of them were at the time sick of a fever, and yet most barbarously turned out of the house, and the house locked up, and all in it seized. Agnes in a little fell ill of a fever and flux in prison, and could not get out till a surgeon gave a certificate of the hazard of her life, she being with child. When liberate, the magistrates would not permit her to return to her own house, nor meddle with any thing in it, and the inhabitants being frightened with prosecutions for reset of disaffected persons, this afflicted person had no place but the open street to lodge in with her sickly children, till the excellent lady Ardrie allowed her a brew-house to stay in, with no small hazard to herself, and there three of her children died. Her husband continued in the irons many months, till transported in the Pelican of Glasgow, with others, to America, where he soon died. Nothing was or could be laid to his or his wife's charge, but simple nonconformity. George Russel in West Redmyre, in the parish of Cambusnethan, being informed against for baptizing a child at a conventicle some years ago, without

any probation, was carried to Lanark tolbooth, and from thence to Edinburgh, where he was gifted for a recruit, and sent to the army abroad, where he died.

No small severities were exercised this year upon the account of house-conventicles, and there were none in the fields but what Mr Renwick kept. John Smith, who had been at a conventicle, in his return falling sick, sat down in the fields. A party of soldiers coming that way, without any probation or process, or any further ceremony, shot him in the fields where they got him.

Another instance of the severity of this period follows. Upon the last of December 1684, a poor man in the parish of St Mungo, was taken out of his bed by captain Dalziel, merely because he acknowledged he did not hear the curate. The test was offered him, and upon refusal, he was put in close prison at Dumfries, and threatened with death. In March he broke prison, and got into England. His wife and seven small children had all taken from them, and went likewise into England begging. The persecution there turning hot, she returned, and when she had waded the river many times, bringing through her children one by one upon her back, she came to an alehouse, and sitting there peaceably, Westerraw, and some other persecutors came in, and required her to take the test, or immediately to go to prison at Dumfries, and leave her seven children. She only begged they might allow her to take the youngest, a sucking child of about a quarter old, with her: by no means would they yield to this, but allowed her till to morrow, and bid her prepare to die, for they would drown her, if she continued to refuse the oath. Next morning she was asked, if she would swear, she said, she would not. She was asked, if she approved murder, she answered, she did not, it was not their sort who were murderers. They told her, that was enough to take her life. However, they carried her prisoner with them to Dumfries, and would not permit her to take her sucking babe with her. There she continued five weeks prisoner. The Lord moved some to look after the infant, and the six others who were able to walk came after-

wards to Dumfries; and the eldest applied to the bailies, that they might have but liberty to see and speak with their mother. This was refused, and they put out of the place. One of them going by the prison saw her looking out at a window, but was not suffered to speak to her; when forced away, the child blessed the Lord he had once more seen her. The mother was sent in prisoner to Edinburgh, whither the children followed her, and the council had some more compassion, and at length liberate her.

Let me add another instance of the soldiers' carriage. Two soldiers came from the garrison of the Sorn, to lift the oess or locality in the parish of Dalmellington, and were lifting it in a country room in Sloanston, possessed by Andrew Mitchell. This place lying towards the mountainous part of Galloway, the wanderers and persecuted people upon their hiding, were sometimes appearing in the neighbourhood, the two soldiers meeting with two of them endeavoured to seize them, and were wounded, but not dangerously. When the accounts of this came to the garrison, lieutenant Dundas with all his men, came to the village of Dalmellington, and sent out some and seized Andrew Mitchell's whole goods, amounting to twenty bolls of corn, twelve cows, besides sheep and horses, though he was no way concerned in the scuffle. The soldiers continued there a fortnight on free quarter, to the great charges of that place. The lieutenant called before him a great many people, he alleged had conversed with the hiding people. The curate of the place, Mr Lang, was very useful to him in pointing out the persons. Fifteen persons, whose names are before me, refusing to give oath as to converse, were sent prisoners to Glasgow, and continued there seventeen days. They were fined in a thousand pounds Scots to the fiscal, and five hundred merks to the wounded soldiers, and gave bond to answer there in June. And one of them, James Gibson of Erris, was distressed for the whole sum, and forced to pay it, and he allowed retrocession upon the rest for their proportions, as appears by the bonds, receipts, and discharges, yet preserved; and their loss one way and other, was

1684. really more than the sum they actually paid; and yet no crime could be charged upon them. Besides these, the lieutenant, in February, seized some of the most substantial of the inhabitants in the little town of Dalmellington, and carried them prisoners with him to the garrison, till, as he said, he should see if the soldiers would recover; and kept them there fourteen days, though not in the least concerned in the affair.

I am sorry I can give so short accounts of the sufferings of John Corsan of Balmanagan, in the parish of Borg in Galloway, last year and this. That gentleman was imprisoned for refusing the bond of regularity, and continued close prisoner nine months. He was fined in 6000 merks, and paid it every farthing, as a discharge, in his grandson's hands at present, bears. His lady was imprisoned by colonel Douglas, and, for refusing the abjuration, received an indictment; and it was given out, they designed to sentence her to be drowned within the sea mark, at the ferry of Kirkcudbright; but king Charles' death put a stop to this and some other processes of this kind.

In the kirk of Borg Claverhouse held a court this year, to which all the parish were summoned, and ordered to bring with them all the arms they had. All who came were forced to swear these were all they had, and they were taken from them, and carried to Dumfries, where, as was then said, they were given to the earl of Nithsdale and other papists. I doubt not but all the protestants of that country were disarmed, though I have not accounts from other parishes.

Another instance of the soldiers murdering in the fields, I have before me, attested by several persons yet alive. This summer, about the month of July, Lewis Lauder, a subaltern officer in the garrison of Sorn, was riding up and down upon some search or other; and at the Woodhead of Tarbolton, in the shire of Ayr, he meets William Shirinlaw in Stairhead, aged eighteen years or under, and consequently could not be either at Pentland or Bothwell, he was not in the Porteous roll, he was indeed of the number of those who were given up to the soldiers by the curate, for mere nonconformity. Lauder seeing him at some distance

cross the road, he being about his business, ordered off one of the dragoons, John Guthrie flesher in Ayr, to apprehend him. When he was brought up to the party, after a few of the ordinary questions asked, Lauder ordered him to be shot, which was done on the spot. The party went straight to the Stairhead, where the said William had been servant, and seized Paul Lamont and Matthew Bell in Stairhead, with Boswell in Stair, against whom they had nothing I can learn but their nonconformity, and keeping the said William as their servant. Those three were carried out to the fields near by, after their examination upon the ordinary questions, and Lauder ordered them to sit down on the ground upon their knees and cover their faces, in order to be shot presently: but by the good hand of providence he was restrained, his men positively refusing to obey his orders, telling him, one in a day was sufficient. Thus we see, before the council's inhumane orders for shooting in the fields, the soldiers had made experiments of this more than once. And we shall next year have a vast many instances of this black work. Such a procedure obliged the hiding persons to have arms with them, go where they would; and such fearful barbarities drew forth the society's Apologetical Vindication.

At this time, the death of John Alison chamberlain in Nithsdale to Queensberry, made a great noise; he had been an apostate from a profession he had taken up before the restoration, and turned a bitter persecutor. His torment in body made him roar, but he had heavier torture in his spirit for his bygone ways. He died in the greatest agony and terror; yet the living laid it not to heart, but the persecution went on in its full vigour.

In July or August this year, the rescue of the prisoners at Enterkin-path fell out, and I promised in this place to give some account of it, which I now come to do, from some papers writ about this time. It brought much trouble to Nithsdale, as we have heard, and three good men were executed upon this score most unjustly.

Out of the multitudes who were this year cast in prison in Dumfries, many par-

cels were sent in to Edinburgh, as the managers saw good, where they were banished, transported, or executed, if they were not prevailed upon to make some compliances to save their lives. About this time, nine prisoners were ordered in to Edinburgh, under a guard of twenty-eight soldiers; the writer of this account now before me, was one of the prisoners, and Lochear, a gentleman of a small estate in Glencairn parish, was another, a further account of whom will come in presently. Some of their friends who were upon their hiding in the country about, getting notice of this, resolved to do what they could to rescue them, and chose the narrow path of Enterkin, in the road from Dumfries to Edinburgh, as the most convenient place for their purpose. There they posted themselves in the best manner they could; and when the prisoners came up, two and two tied together upon horses, they demanded them; they were answered with a volley of shot, which they returned, and scattered the guard, and unloosed seven of the prisoners, and took them with them. One of the soldiers was killed, and several of them wounded. The soldiers carried off one of the prisoners, and Lochear was rescued after he had been miserably treated, as we shall hear. This prisoner was John M'Kechnie, a singularly pious man in Galloway: the soldiers, according to their orders, shot at him, missed his body, but shot him through the arm, which, through want of care about him at Edinburgh, putrified and gangrened, and he died of this after thirteen weeks' patient enduring great trouble. The soldiers with their prisoner carried in the accounts of this scuffle to Edinburgh. Orders came from thence to all above fifteen years of age, in Nithsdale, to arm and meet the gentlemen and soldiers in their appointed places, that they might search the whole shire for rescuers of the prisoners, and warning was given next sabbath in the churches. Accordingly every parish met, having some soldiers with them, searched mosses, muirs, and mountains, woods, and every corner of the shire, but I do not find they caught any prisoners that day of the general search. When this failed them, next Lord's day intimation is made from pulpits in ten or

twelve parish-churches nearest Enterkin, that all persons above fifteen 1684. years should meet at new Dalgarno next, and declare upon oath what should be inquired at them. Multitudes came, and were interrogate as to reset or converse, if they knew any guilty of it, if they knew who rescued the prisoners, or which way they went, or where they are now. It was but a few they could examine that day, and so the soldiers divided into the several parishes, and appointed several districts up and down the country, and with them Mr James Alexander sheriff-depute. The laird of Stonehouse, and other heritors in the different parishes, accomplished yet a more diligent search. The sheriff-officers went from house to house, and they were appointed to return written executions of their summons, that there might be none omitted by paction, bribes, or the like, and the episcopal ministers in each parish were obliged to give in their rolls upon oath. At those courts the forementioned queries were proposed, and the strictest inquiry possible was made, who kept not the church, who heard, married, or baptized with outed ministers, and the like; as to which many had been interrogate, I know not how oft, formerly. The absents had soldiers sent upon them, and multitudes were imprisoned, or found caution to answer. This work continued about six weeks, and then the circuit met, of which already. The reader will easily guess what a vast trouble this inquisition brought upon that country.

I promised to give some hint at the cruelty exercised upon the forenamed laird of Lochear, at this time. This gentleman had been at Pentland, and was apprehended upon that score, and imprisoned half a year. He came out upon the bond of peace, which afterward proved a matter of disquiet to this good man. He was at Bothwell, and from that time to this he was much upon his hiding. The laird of Stonehouse had got his estate upon his forfeiture, and some time before this he had been apprehended by a soldier, and carried in to Dumfries, and was in great straits for his very subsistence in prison. He was among the prisoners rescued at Enterkin, and after he was loosed, being in confusion, and not retiring where

1684. he should, fell in among the soldiers, who were barbarous to him. He received a shot with small lead in the face, at some distance, which deprived him of his sight, and after that they wounded him cruelly in the head and body, left him for dead. But the rescuers coming up, the soldiers retired, and he was sent to a country house near by, and his friends advertised, who came and took care of him as privately as might be. In a little time, Stonehouse, who possessed his estate, getting notice he was in the neighbourhood, came and held a court. The gentleman's brother, among others, was obliged to compear, and being interrogate upon oath, if he knew where Lochear was, confessed he had him in his house, and told them, he was just a dying in every body's account. Straightway a party of soldiers was sent, and the blind, wounded, and in probability dying gentleman, was brought to the court; and his brother, and all they could learn had showed the least act of humanity to him, were made prisoners. When Lochear was in the court, he was asked, how he liked his present circumstances, by the test which he once had in his offer, and would have saved him. He answered, the test was more terrible to him than all he had met with, or all they could do. Stonehouse said, he would not quit his old ill-natured thravn principles for all that is come on him, and ordered him to be carried straight prisoner to Dumfries; thence he was carried into Edinburgh where he lay long extremely weak. However his patience outwearied them, and at length he was dismissed without any sinful conditions.

While the country about Enterkin was thus harassed, the laird of Lagg and others were not idle in Galloway. In harvest he held a court at Carsphairn church. Upon the sabbath-day he came from Sanquhar with a party of soldiers, and in the road, at the Holm of Dalwhairn, he seized a young man, George Lorimer, and would have him drink the king's health. He refusing was made prisoner, and sent to Dumfries, where in some time he broke prison and escaped, and for any thing I know, is alive still. Upon Monday he called all the parishioners one by one, and upon oath made them declare what they knew about any persons

hiding or wandering in that neighbourhood, what they were, where they were, and who harboured or conversed with them, and lastly, about their own keeping the church. Mr Peter Peirson curate of the parish sat with him in the court, and informed him of the characters of such who were present, and of all the absents, and upon this information parties were sent through the parish, who spoiled their houses, and brought in many old and infirm people, women with child, and the sick, who had not compeared before Lagg, and they were treated rudely enough.

The parishes in the south now had their hardships very frequent, and one upon the heels of another; and so a little after Enterkin-path, lieutenant Livingstone came from Nithsdale to Carsphairn with a troop of dragoons, and swore all the people about the head of the water of Ken, as above. Claverhouse came after him with five or six troops, and went through all the hills thereabout, searching for persons on their hiding, and made as many as he pleased answer his interrogatories upon oath. Wonderful were the preservations of the persecuted about this time. The soldiers frequently got their clothes and cloaks, and yet missed themselves. They would have gone by the mouths of the caves and dens in which they were lurking, and the dogs would snook and smell about the stones under which they were hid, and yet they remained undiscovered. This was the case of Gavin Maclymont at Cairns-hill-muir, and others.

One instance of cruelty to an old woman of seventy three years in Carsphairn, deserves its room here. Her son had been cited to some court 1680, for bearing Mr Cameron, and upon his noncompearance he is intercomuned, and her house at that time spoiled when they missed him. This year the soldiers came again, and not finding the son, they carried his mother prisoner to Dumfries. There they offered her the test, which, through advice of friends, she was almost brought over to comply with; but when they saw her like to yield, they would further have her to swear she would never speak to, or harbour her son. This she would by no means comply with.

Thereupon next market-day the poor old woman was scourged through the town of Dumfries. This she bore most patiently, and after all, before she was liberate, she behoved to pay two hundred merks.

Many were the severities now exercised in Galloway. Macdowal of Gillespie in the parish of Luce was dead some time ago, and his lady Janet Ross, liferentrix of the estate, had corporal Murray, with thirteen dragoons and their horses, sent to quarter upon her at the instigation of the curate, and for mere nonconformity. They stayed five or six weeks, and in the harvest time almost destroyed the whole crop. They shot the sheep in the fields, and at length forced her from her estate, and she retired to Ireland about twenty months. All her tenants almost were obliged to appear first at Ayr, which is near fifty miles distant, and then cited into Edinburgh, which is about ninety miles, only to be witnesses against the lady for her nonconformity.

Charles Stuart now in Knock, in the same parish, was apprehended by Claverhouse in the throng of harvest, and was cast into Stranraer prison, and got not out till he paid three hundred merks for baptizing his child with Mr Samuel Arnot. He was summoned likewise to Edinburgh as a witness against Sir James Dalrymple of Stair, and his lady for her nonconformity, and obliged to wait on seventy two days at Edinburgh upon his own charges. He had likewise a journey to make to Dumfries and to Ayr, though he had nothing to witness against those excellent persons. Great was the trouble multitudes were put to at this time, by their being cited witnesses hither and thither.

The persecution for bare nonconformity was very violent every where, through the whole of this year. In many places they had rid themselves of the most part concerned in the rising; and they had not many of the elder sort to exercise their severity upon, but noncompearers at their courts, and nonconformists to the curates. Indeed every day almost was casting up some new snare or other, from which an handle was taken to increase the persecution. I only give one instance. In September major Balfour seized Colin Allison a weaver in Glasgow. That same day upon the

street Balfour had challenged his son, but he escaped out of his hands, and 1684. the major went straight to his father, though he had nothing to charge him with, and took him out of his house, and put him in prison; there he lay till the year 1688, and all for simple nonconformity. I only add another instance of the barbarity of the soldiers, in November this year, upon Robert Watson in Balmore, in the parish of Badernock, five miles north of Glasgow. This good man had been paralytic for six or seven years, so that he stirred not off his bed, neither could he receive meat or drink without help. Upon information from the curate, Mr Stirling, this man was seized as a disaffected person. That same day Mr James Gilchrist, chaplain to the laird of Glorat, afterwards an useful minister at Kirkmichael, was brought in prisoner. About eight o'clock at night, the party came into Robert Watson's house, and took one of his horses and yoked in a sledge, and carried Robert and his couch he lay on, with his head and feet lying over the sledge, and in that posture under heavy rain they carried him into Glasgow that night. When he was examined at Glasgow, considering his circumstances he was soon dismissed, and the soldiers cursed the curate for putting them to this trouble.

I shall shut up this general account of the persecution this year, with the sufferings of William Hannah and his son, in the parish of Tunnergarth in Annandale, of which a narrative lies before me, attested by persons who knew them, and indeed they are very remarkable.

William Hannah was taken October this year. Since the establishment of episcopacy this good man was a strict nonconformist, and would never hear the established ministers. In the year 1667, he was imprisoned for hearing a presbyterian minister, and fined in an hundred pounds. He was a near neighbour to the curate of the parish, who in the year 1678, turned very severe upon him for his nonconformity, having nothing else to charge him with. William was cited frequently to appear before the session, and refusing to appear, the curate was going on to excommunication, and came the length of the first prayer, but saw fit to

stop there: A child of William's died, 1684. and the curate would not suffer it to be buried in the church-yard, and set a watch upon William's burial-place. However, January 1st, 1679, some came to make the child's grave. The curate being informed, came out himself in great fury, and took away the spades and shovels, and told them, if they buried the child by night or day, he would cause trail it out again, since he knew not if it was baptized; so the man was forced to bury elsewhere. Mr John Welwood came into that parish where his father had been minister, and preached several sabbaths. The curate procured a court to be held, at which many gave bond to carry regularly, and not to go to conventicles. This William refused, and was brought to no small trouble. In the beginning of the year 1679, he was forced to go upon his hiding. In November 1681, for not paying 13 shillings Scots of cess, he had an horse worth four pounds sterling taken from him. In the year 1682, when the courts turned throng and severe, he and his sons were forced to wander, and endured great hardships for some time. By the circuit 1683, he was denounced and declared fugitive; and about that time, the curate hearing that a gentleman in the parish who did not hear him, and William, were both at home, sent to Dumfries for a party who caught the gentleman, and William very narrowly escaped. This year 1684, being weary with his tossings, William went over the border to England, hoping to breathe a little there; but ere long colonel Dacres seized him, and sent him under a guard; and October 26th, Sprinkel with his troop received him, and some more prisoners, at the border, whence they were brought to Annan, and next day to Lockerbridge, when Queensberry ordered him to be carried to Dumfries, where he lay in irons, till the prisoners, as we heard, were carried into Edinburgh and Leith. From Leith he was brought up to the Canongate tolbooth, and cast into a dark pit, where he had neither air, nor the least glimpse of light for some days. Here, and no wonder, he fell very sickly, and begged the favour to be let out to the guard-hall, that he might have the free air; which was refused. The soldier

who brought him in his small pittance of meat or drink, when he opened the pit door to let him in, said, "Seek mercy from Heaven for we have none to give you," adding other blasphemous expressions which I shall not repeat. Here he lay nine days without any thing charged upon him but nonconformity, at length he was brought up to the Canongate tolbooth, where he lay till he was sent to Dunotter, as we shall hear.

His son's sufferings deserve our remark, and I know not where they come in better than here. William Hannah not yet sixteen years of age, because he kept not the church, was in the year 1682, forced to flee to England, where he abode some time. In September that year he returned home, and fell sick of a very sore ague. When he was under it, and so weak as he could scarce stand, the soldiers fell upon him in their searches, and carried him with them on foot three or four days in their rangings up and down. Coming to the grave of one who had been shot, and buried in the fields, they set him on the grave, and covering his face, bloodily threatened him, if he would not promise regularity, and other things then pressed, they would shoot him straight. The boy told them, God had sent him to the world and had appointed his time to go out of it, only he was determined to swear nothing he reckoned sinful; he was now in their power, and they might do as they would. When the soldiers perceived his composure and staidness, they took him to the laird of Wester-raw, who sent him prisoner to Dumfries. Thence next year he was taken to Edinburgh, and after many examinations he was put in the thumbkins, and after that committed to the irons, which were so strait, that his flesh swelled out above them. In the iron-house he was robbed of all his money sent him by his friends; and at one time eleven dollars were taken from him. After a year and a half's imprisonment, he was banished and sold in Barbadoes. I am informed this worthy person returned after the revolution, and is at present the reverend minister at Scarborough. His mother endured great fatigue and hardships when waiting on his father and him.

There were some persons put to death

towards the close of this year, of whom I have not distinct accounts, else I would have given them upon the third section, above. However, any hints I have of them I give here. William Keagow was executed upon the same points with the others above-named, in December. It is observed, that at some of their executions, one of these, or the forementioned, happened to sing Psalm cxix. 84, &c. which so enraged the soldiers, that they made a great disturbance, chased off the spectators, and would not suffer their dead bodies to be dressed. Arthur Bruce in Dalserf parish was executed some time this year. George Shiels, Thomas Scot in Bouchester, John Falla in Kelso, and Thomas Turnbull in Ancrum parish, were sent in prisoners this year to Edinburgh, at several times, for mere nonconformity, and, by the severities and bad treatment in prison, died there.

Let me add, that December 18th, Claverhouse when ranging up and down Galloway, with a troop, came to the water of Dee; and at Anchincloy, came upon some of the people who were lurking and hiding, unexpectedly, and surprised six of them together; for what I can find, they had no arms. According to the instructions lately given by the council, he shot four of them upon the spot in a very few minutes, Robert Fergusson and James Macmichan from Nithedale, and Robert Stuart and John Grier, Galloway men: afterwards their friends carried off their bodies to Dalry, and buried them. Some accounts before me say, that by orders from Claverhouse, a party came and uncovered their graves and coffins, and they continued so open four days till the party went off. And it appears certain, that James Macmichan's body, after it was buried, was taken up, and hung up upon a tree. This was strange barbarity and spite. The other two, Robert Smith in Glencairn parish, and Robert Hunter, Claverhouse carried with him to Kirkcudbright, and called an assize, and made a form of judging them, and caused execute them there. They would not permit these two to write any thing, not so much as letters to their relations. There were two more in the company who escaped, and happy it was for them it was so; for probably

they would have gone the same way. 1684. The soldiers pursuing them had notice of an house they had gone into, where they had not sitten down, but gone away immediately, and came to it, took all the persons in it prisoners, and immediately burned it down to the ground. It may be, the rescue of some prisoners at Kirkcudbright, by some of the wanderers, a little before this, was the pretext for all this cruelty.

I come now to glean up a few remarkable from the registers, that may afford some light to the history of this year, though they have not so direct a reference to the sufferings.

January 1st, I find an order from the secret committee to captain Patrick Graham and Sir William Paterson, to go and seal the lord Maitland's papers in the late Lauderdale's lodgings. It seems, a little before this, that once great man, the duke of Lauderdale died; and notwithstanding his bright parts, and long favour with his master, at length he fell into the utmost neglect and contempt; and now, it seems, the present managers resolved to canvass his papers.

April 11th, upon application from the bishop of Edinburgh, the council pass the following act about a fast. "Forasmuch as the lord bishop of Edinburgh, having represented to the council, that at the late meeting of the diocesan synod of Edinburgh, it was proposed that there might be two religious fasts kept yearly through the bounds of that diocese, to implore the mercy of Almighty God, for a comfortable spring and harvest, and the synod had recommended it to him to acquaint the council therewith; and he having desired their authority for approving of the same, they do willingly agree to the said christian proposal, and interpose their allowance and authority thereunto; and leave it to the lord bishop, to name the days whereupon the said fast is to be kept in the said diocese." Whether this method of a double fast in the spring, and before harvest, was kept up, I do not know; I wish never a worse proposal had past through the bishop's hands.* I only notice,

* If ever there was in the world any such thing as fasting "to smite with the fist of wickedness," this of the bishop's at this time was

1684. April 17th, a national fast is appointed by the council; for a great drought, it seems, fell out that spring.

The curious reader may perhaps be content to know, that upon the foresaid diet, the council recommend George Scot of Pitlochrie, son to Sir John Scot of Scotstarbet, to his majesty, for a gratification for some abstracts of the public registers made by his father.

April 22d, I find a proclamation with relation to discipline and kirk-sessions, which I do not find ordered to be printed, for what reasons I shall not say; but one would think, that there was ground to have printed it, since it concerns so many. However, I shall insert it here.

“Charles R. Forasmuch as, by the supremacy inherent in our imperial crown, as one of the prerogatives thereunto belonging, it solely resides in us to emit such acts and constitutions, and orders concerning the administration of the external government of the church, and the persons to be employed therein, as we, in our royal wisdom, shall think fit, as is more fully specified in the first act of our second parliament; and therefore, we and our predecessors having always been careful, that the discipline of the church, by kirk-sessions and otherwise, be observed: for the preservation whereof, it being necessary, that persons of good reputation, and known loyalty, should assist the ministers in the exercise of ecclesiastical discipline. We therefore, with advice of our privy council, do hereby empower the ministers of the respective parishes, within this our ancient kingdom, to give in lists to the bishops their ordinaries, of such as are fit to serve as elders in the said parishes; and being approven by them, we hereby ordain and command the persons so named and authorized to serve as elders, except they can offer such sufficient reasons to be allowed, as may excuse them from serving in the said employment: with certification to the persons who shall refuse, not being lawfully excused, as said is, that upon pro-

duction of the said nomination, and instruments taken upon refusal, letters of horning shall be directed under the signet of our privy council, charging them to accept and officiate, within fifteen days, under the pain of rebellion. Our will is, &c.”

This proclamation was undoubtedly designed to force country people and heritors to join in with the episcopal ministers, in the exercise of discipline. Indeed in many places, the curates were hated for their share in the severities of this period, by many otherwise not very nice in their principles: and others could not join with them from consciousness of their unscriptural way of entering parishes, when meanwhile the necessity of the times brought them now and then to hear them; yet they were peremptory in refusing to join with them in ecclesiastical society. And so this violence and force is used to bring them into church-offices, directly contrary to the scripture-directory, that none shall enter by constraint, but willingly. This was another handle of persecuting not a few. The ministers in particular parishes used to procure blank commissions from their bishops, and they insert whom they pleased in it; and if gentlemen or others refused, then letters of horning were got out against them. One of these original blank commissions is come to my hands, dated next year, and the curious reader will be pleased to find it here.

Original warrant by the bishop of Edinburgh, to the minister of Ormiston, to choose elders.

“Forasmuch as I John, by the mercy of God, bishop of Edinburgh, am informed by Mr John Cockburn minister at Ormiston, that the persons afternamed, viz. [they are blank in the original] all parishioners within the parish of Ormiston, are persons apt and fit to be elders in the said parish of Ormiston, and to assist him in the church-discipline; and he the said Mr John Cockburn having chosen them as persons fit and qualified for the said employment: Therefore I have approven, and by those presents, approve of his said choice of the foresaid persons, to be elders and assistants to him in church-discipline, within the said par-

certainly such, and instead of giving us a favourable gives us the most disgusting idea of his character — *Ed.*

ish : and hereby require them, and every one of them, to accept and embrace the said employment, conform to the act of council made thereunto. In witness whereof, these presents, written by Alexander Cumming my servant, are subscribed with my hand, at Edinburgh, the twentieth day of May, one thousand six hundred and eighty five years.

“JO. EDINBURGH.”

Upon the groundless stories raised by the duke of York, anent a designed insurrection in Scotland, which was not projected till the accession of a papist to the throne, to prevent the earl of Argyle's attempt that way, which indeed was not yet concerted, the lieutenancy of Argyleshire and Tarbet is changed, new lieutenants established, and the heads of the clans in Argyle and Tarbet are ordered to attend the lieutenants at their call, with quotas of men and provision for thirty days, with other things, which the reader hath in the proclamation, for the peace of the Highlands, dated May 5th. See at the foot of the page.* The design

* *Proclamation for lieutenants in Tarbet and the Highlands, May 5th, 1684.*

Charles, by the grace of God, king of great Britain, France, and Ireland, defender of the faith : To our loving

managers of our privy council, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting Forasmuch as we understanding that Archibald, late earl of Argyle, hath not only consulted and concurred with the English conspirators, in their late treasonable plot against our person, our dearest and only brother, and our royal government, but hath been eminently active therein, encouraging his complices, by undertaking to raise a considerable force in this our ancient kingdom, for beginning and carrying on of that villainous conspiracy ; and we being obliged, by the law of God and man, to endeavour, by all just means, to disappoint those bellish machinations, and to prevent the ruin of our good people, which necessarily would ensue, if the malicious designs of the said late earl of Argyle, and others his accomplices, should take any effect ; and we having, in order thereto, established lieutenants in the shires of Argyle and Tarbet, for preventing and suppressing the projects and seditious intended by the said late earl's descending in these places, and his convoking others who are ill principled, and disaffected to our government ; and it being fit that the said lieutenants should be assisted by our other good subjects, in case of any such traitorous attempts. We therefore, by virtue of our royal authority, and with advice of the lords of our privy council, do hereby com-

mand and require, that the persons afternamed have in readiness, with all convenient diligence, the respective proportions, and number of men after mentioned, well provided in feir of weir, well armed, and with thirty days' provision, for concurring with, and assisting our said lieutenants, in maintaining our royal authority, and executing of our laws, and preserving the peace of this our realm, as they shall be required by our said lieutenants, on any necessary occasion, viz. the earl of Monteth two hundred men, and the laird Luas one hundred men, for assisting the lieutenant of Cowal, when they shall be required ; the marquis of Athole three hundred men, and the earl of Braidalbin three hundred men, to assist the lieutenant of Inverary ; the sheriff of Bute two hundred men, the laird of M'Lean two hundred men, M'Leod of Harris two hundred men, and for Ilay two hundred men, for assisting the lieutenant of Sadel or Kintyre ; the marquis of Huntley, and earl of Perth three hundred men, the laird of M'Intosh two hundred men, the laird of M'Kinnon one hundred men, and the laird of Applin one hundred men, for assisting the lieutenant of Craigness ; the marquis of Huntley and earl of Perth three hundred men, the laird of Lochyell two hundred men, the captain of Clanronald two hundred men, and the laird of Glengarry one hundred men, for assisting the lieutenant of Dunstaffnage ; the earl of Marr three hundred men, the laird of Weem one hundred men, the earl of Seaforth three hundred men, and sir Donald M'Donald of Slat two hundred men, for assisting the lieutenant of Tarbet. And all the persons above-named are hereby required to have their foresaid number in readiness, and to certifyate our chancellor thereof, with all convenient diligence, and to have their said numbers fitted and prepared to march with all diligence to the said respective lieutenants, as they shall require the same. And to the effect the ill affected people may be the more terrified from attempting any thing to the prejudice of us, or of our good subjects, we hereby command and require all our liege-men, betwixt sixty and sixteen, within the respective shires aftermentioned, well provided in feir of weir, to march on six days' warning, with thirty days' provision, to the assistance of the several lieutenants, when they shall require the same, and there to act and do as they shall be commanded by the said lieutenants, or others having command from us, viz. all within the shires of Dumbarton and Stirling, and stewartry of Monteth, for to answer the lieutenant of Cowal ; all within the shire of Perth, to answer the lieutenant of Inverary ; all within the shires of Forfar and Kincardine, and stewartry of Strathern, to answer the lieutenant of Craigness ; all within the shires of Aberdeen and Bannockburn, above Kincardine of Neil, Kildrummy and Keith, to answer the lieutenant of Tarbet ; all within the shire of Bute, isles of Mull and Ilay, to answer the lieutenant of Sadel or Kintyre ; and all within the shires of Inverness, Elgin, Nairn and Ross, to

of all this was not only to weaken the interest of the family of Argyle, 1684. which was very great in those shires, and of all who were friendly to them, but to

strengthen and increase the duke of
1684. York's party in the nation, by encouraging the highland clans, many of whom were papists, and all of them hereditary right men, and friends to arbitrary and oppressive measures, as they have abundantly proven more than once. It was thought very expedient to have a good body of these clans still in readiness in all events, for securing the popish succession, and defending the courses now taken, if need were.

July 25th, I find, the council make Sir Archibald Kennedy of Colzean, captain of the militia troop of the shire of Ayr, in room of Sir John Kennedy of Girvan-mains, lately deceased, who wanted not his share in the persecution, next year.

September 16th, the council order a new election of the magistrates of Ayr, and send a nomination of provost, bailies, and town-council. I find by the registers, this month and the following, that the council engrosseth the power of nominating the magistrates and council of most part of the royal burghs; and even in Edinburgh itself, they order a committee of their number to be present, and oversee the election of magistrates at this term.

November 6th, a patent is read and recorded, to John Drummond of Lundin, late treasurer-depute, to be secretary of state in conjunction with the earl of Murray. He is sometimes, in papers, termed secretary before this: how it comes to be so I cannot tell.

The council, November 26th, pass a pretty remarkable act anent the choice of members of parliament, which deserves a room here.

Act anent election to parliament.

"Forasmuch as there are severals of the

answer the lieutenant of Dunstaffnage. And all our lieges are hereby required to give obedience to the said lieutenants, to act, assist, and concur with them in manner foresaid, under the pain of tinsel of life, lands, and goods; and thereby, and attour, all the fencible men within ilk respective division, are hereby required to give obedience to the said lieutenants, in manner, and to the effect above-written, under the foresaid pains. And to the effect our special pleasure in the premises may be made known, that all persons concerned may give exact and punctual obedience thereunto, our will is, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and remanent market-crosses of

members who have served in the late session of this current parliament, who, it may be reasonably presumed, will not serve in the ensuing meeting thereof, to be held at Edinburgh upon the tenth of March next to come, upon the terms of the act of the said last session thereof. Therefore, the lords of his majesty's privy council, do hereby require the sheriffs of the respective shires, at the next meeting of the freeholders appointed by his majesty's late proclamation, where such members are, in face of the said meeting, to inquire at them if they will serve in the terms mentioned in the same act. And if they shall refuse, do hereby authorise the said sheriff, and meetings respective, to proceed to the election of such fit members as will serve at the said next session of the current parliament. And in regard there are some members who served in the last session of the current parliament, who are under citation for treason; the said lords do require the said sheriffs, as soon as the diets to which they are cited are elapsed, and they declared fugitives, to call and convene the said freeholders, and proceed to the electing of other members, to serve in their room. And which power is hereby given and granted likewise to the several burghs royal, in the circumstances foresaid, that the said ensuing meeting of parliament may be full and frequent."

The act of the last parliament spoken of here, I take to be the test, and where there was any who had not, or would not comply with it, they were to be turned out; and agreeably to the arbitrary measures at this time used, we see the council, as they take upon them the power of modelling of our

the head burghs of the shires of this kingdom, and there, by open proclamation, make publication of the premises, that none may pretend ignorance. As also, we ordain these presents to be affixed on the several parish-kirk doors within the highlands, and the several sheriffs of the shires foresaid, to see the same done accordingly, as they will be answerable.

Given under our signet, at Edinburgh, the fifth day of May, one thousand six hundred and eighty four, and of our reign the thirty sixth year.

Per actum dominorum secreti concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save the King.

perations and burghs, so they assume a material power of modelling the supreme court of parliament, in its elective members. No more is needful, but the trumping up a summons for treason: converse with any who had been at Pentland or Bothwell, was ground sufficient for that; and then the sheriff is empowered to make a new election. Thus the parliament was purged of some of the best of the members of it, and by the time they sat, which was lengthened out by king Charles' death, it was pretty well disposed for serving a popish king, and advancing the ruin of the reformation.

To secure all the better, December 3d, the council give orders to the advocate, "to raise a process of forfeiture before the parliament, by a summons in Latin, after the old way, under the quarter seal, upon a charge of sixty days, against Denholm of Westhicks, Stuart of Cultness, Sir John Cochran of Ochiltree, James Stuart son to Sir James Stuart of Goodtrees, the lord Melville, the laird of Polwart, George Pringle of Torwoodlie, Andrew Fletcher of Saltoun, Hume of Bassenden, the heirs of Mr

Martin late clerk to the justice-court, the heirs to the late earl of Loudon, Thomas Hay of Park, Sir James Dalrymple of Stair, Walter Lockhart of Kirkton, Montgomery of Lanshaw, John Weir of Newton, Mr Gilbert Elliot writer in Edinburgh, Campbell of Ardkinglass, Cessnock elder and younger, and Jerviswood." We shall meet with them next year. At the same diet, John Henderson, suspect to be one of the murderers of the archbishop, appears, and is assoilied, having given a good account of himself, and having taken the test.

December 11th, the duke of Gordon's patent for being chancellor, is read and recorded; if he was not now a declared papist, he was shortly so; and now that set is getting in very fast.

December 17th, the council, "considering how necessary and proper it is, that Mr Thomas Hay dean of Murray, be justice of the peace within the shire of Murray, and particularly in his own parish, do therefore nominate and appoint him to be a justice of the peace there, with full powers, and that

the justices of peace at their first meeting receive him." 1684.

I need scarce add, that in December this year, at Glasgow and some other places, multitudes of people imagined they saw bonnets, black, blue, and of several colours, falling down from the air upon them. Generally, by sensible persons, this was looked upon as *deceptio visus*, and the power of imagination. It was odd, however, that next year when the militia came to the west against Argyle, they had just the same bonnets; and at the cross, green, and other places, where the bonnets were alleged to be seen, the militia swarmed most.

This winter many gentlemen and others at Edinburgh, were challenged by the managers, for giving charity to outed presbyterian ministers, and contributing to the education of their children. But I have said enough upon this year and come forward to the next.

CHAP. IX.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, DURING THE YEAR 1685.

PERSECUTION is so ill a thing, that no body almost owns it, though multitudes in all ages have been guilty, especially such fearful acts of wickedness as we have met with upon the former years, and shall again find this year; and readily the parties most concerned will wipe their mouths and say they are clean. But the remembrance of matters of fact this year is so fresh in the thoughts of many yet alive, that there can be no denial of them, without the greatest impudence and effrontery. Particular instances of barbarities of all kinds do now grow upon my hand, and it is truly a satisfaction to me, that I can tell the reader I am now drawing towards a close of those melancholy things, which no doubt will grate the ears, and weight the spirits of such to whom they come, and were I once through this black year, the following three to the revolution will take but little time.

This year affords abundance of matter. I have left to this chapter the narrative of the severe persecutions, every where almost

1685. upon the society's declaration, and the refusal of the abjuration oath. New murders in the open fields turn so frequent, that I shall scarce be able to give account of them all. Multitudes were cut off every month, without the tedious formality of a process, besides a good number of public executions at Edinburgh and other places, and the barbarous drowning of poor innocent women within the sea mark. In February the death of king Charles falls in, a popish prince mounts the throne, to the terror of all good protestants, and the joy of all papists; and after he had given some smooth words to lull all asleep, he quickly cast off the mask, and some branches of the persecution of presbyterians run very high. A new session of parliament meets in April under this popish sovereign, and since little was left undone by the former sessions, that could be done against presbyterians, the iniquitous procedure and acts of the council are all ratified, and some new advances made. In the following month, the attempt of the noble earl of Argyll falls in, which was soon quite broken, and issued in his death, and that of some excellent persons with him, and we need not doubt was carefully improved by our managers, for a new and general harassing of the country. The summer affords us some more murders in the open fields, and upon scaffolds, and the inhumane treatment of some hundreds of prisoners at Dunotter in harvest, and toward the end of it; we have, besides some more public executions, the transportation of a great many to America, with Pitlochy, beside some other incidental things. These will afford matter for a good many sections.

SECT. I.

Of the Persecution this year upon the score of the Society's Declaration.

HAVING in the last section, save one, of the former chapter, given a large account of the society's declaration, emitted by them October 28th, last year, I begin my accounts this year with the severities of the soldiers, in different places of the country, in pressing the abjuration of it, which we heard was appointed by the council. It is but a few hints in several parishes up and down which I can point at, as a specimen of the

methods now used. Other instances will come in ere I end this chapter.

In Nithsdale James Corsbie was seized, and, upon his refusal of the abjuration, his ears were crompt, and he was sent to Jamaica, and sold as a slave. Whence the persecutors borrowed this practice of cutting off the ears of such as fell among their hands, which, as we shall hear, turned pretty ordinary, I know not. Toward the beginning of this year, I find captain Strachan harassing many in the parish of Darly in Galloway. He commanded sometime in the garrison kept in the house of Earlstoun, and held courts round about him in that neighbourhood, and pressed the abjuration with a great deal of cunning and cruelty upon all, and many families were obliged to dislodge and wander upon their refusal. At the same time courts were held by the laird of Lagg, and such as he deputed in other parts of Galloway, where the foresaid oath was most violently pressed in every parish, and the women, as well as men, and the younger as well as those more advanced, were forced to take it. Throughout all the large shire of Ayr it was most violently imposed. In the parish of Auchinleck one William Johnston was cited to one of the courts where it was appointed to be taken. He did not compare, and a party of soldiers were sent to his house, who entirely rifled it. He and his wife having retired, left a maid in the house to attend and look after their family of small children, who could not be transported. The soldiers were so inhumane as to carry her away with them to the garrison of the Sorn, leaving five or six small infants destitute and helpless in the house there alone. When the servant was brought to the garrison nothing could be laid to her charge, and yet the oath was put to her, which she peremptorily refusing, never having taken any oath, and declaring to them she did not understand it, and could not swear it, they put kindled matches betwixt her fingers, and burned off the flesh to the very bone. She endured all with the greatest of patience, and such composure as astonished her tormentors, and in the issue they dismissed her. Indeed at this time, there was no peace to him that went out or

came in, and the fury of the parties, as they went up and down seeking their prey, was unparalleled.

In the parish of Stonehouse in Lanarkshire, a poor man was at his work in the fields, and when he saw the soldiers coming, he stepped out of the way, not being willing to come into their hands. Upon this they followed him, and shot at him, and overtaking him at length, without asking him one question, knocked him down with their muskets, and wounded him with their swords, leaving him for dead upon the spot. Then coming to his house near by, they took away two horses, and left some of their number in the house to see his corn threshed out; so the poor man, besides the grievous wounds he got without any reason given, at a modest calculation lost upwards of three hundred merks. Those left to dispose of his corn were so unmerciful, as to turn his wife and several small children from the house in the night-time, during a violent storm of frost and snow, so that they were almost killed with cold. And in the neighbouring parish of Dalserf, about this same time, many families were scattered. John Harvey, Walter Ker, and Andrew M'Killen were seized and banished. The first of them had all his goods seized, and his wife was imprisoned a long time, and very cruelly used. John Stuart in the same parish, had his doors burned by his master, and his wife was carried prisoner to Hamilton, with an infant not a month old, with a design to carry her further; but when she came that length, she fell so ill with travelling in her circumstances, that she was left for dead; and all this for noncompearance, and declining the oath now pressed. John Marshal tenant to Cultness, in the neighbouring parish of Cambusnethan, for refusing the abjuration had two cows and all his crop taken from him by one Ogilvy, who for some time kept a garrison in the house of Cultness, and his family was scattered. At the same time they took from John Torrence in the same parish, upon the same score, a cow, six sheep, and all his corns, and spoiled his house, carrying off all that was portable.

Captain Douglas and his soldiers oppres-

sed terribly, in the beginning of this year, the parish of Twinam. A poor ^{1685.} tenant there, after many severities, was prevailed with to swear the oath, and so the soldiers left him for a little; but after eight or ten days returned, and forced him to go with them to a neighbouring parish, and assist them in searching for some wanderers. Upon the road thither they met with a poor man who would not answer their questions, nor swear; him the captain ordered immediately to be shot. The other country man modestly entreated the captain to examine the man a little further, and to give him some more time before they despatched him; for this they beat and bruised him, so that in a few weeks he died. This same captain came through a good part of Galloway, with some militia under his command, and spoiled all places whithersoever they came, as they had been in an enemy's country. Claverhouse and he subcommitted their power to gentlemen, in every parish, when they went off, and those deputed at their leisure harassed every body in those parishes. So strict and severe were the soldiers upon every emergent, that in the parish of Balmaclellan, a country man who had somewhat suddenly broken about his plough, was running home to bring some instrument wherewith he was to mend it, came near a party of soldiers before he got to his house, who, seeing him running, seized him, and forced him to swear presently. A party of soldiers came about this time into Corsmichael, to look after such as had been absent from the abjuration court; they made dreadful havoc, and destroyed every thing, and took beds, ploughs, harrows, and made fire-wood of them where they stayed, though they wanted not abundance of other fuel. They seized several women, and carried them from prison to prison, because of their refusing the abjuration. Some of them were sent to the plantations, others to Dunotter, and some continued in prison till the toleration.

In the parish of Tongland, lieutenant Livingstone with a party of dragoons harassed very severely. After courts had been held there for pressing the oath, they made very strict searches for noncompliers.

1685. A youth about eighteen years, named John Hallome, seeing the party at some little distance, stepped out of the road in which he was travelling. This they quickly observed, and pursued and wounded him, first with a shot, and then with a sword in the head, never once asking him one question. They carried him prisoner from one place to another, till at length they brought him to Kirkcudbright. There they put the abjuration to him, which he refusing, an assize was called, made up of the soldiers, and he was condemned, and executed there. Every person that endeavoured to get out of their clutches at this time, was reckoned as confessedly guilty, and straight despatched. William Auchinleck in the parish of Buttle had been conveying a friend of his to Ireland, and was returning to his own house on horseback. Unhappily for him he fell in with a company of Douglas's foot coming from Kirkcudbright, who called to him to stand. The man complied with every thing that came about, and was a full conformist, but he had no mind to lose his horse, which he suspected the soldiers would take from him, and therefore rode a little off from them. Taking a compass he got by them, and came on his way, till he came to a public house on the road, called Carlin-work; there he called for some ale, which he took sitting upon horseback, thinking he was out of their reach. But the soldiers, some of them at least, had taken a nearer way, and came up when he was drinking, discharged their pieces at him, and killed him outright. Another boy happened to be at the house, at that minute when the soldiers came up, was mounting his horse to go with the former, at the shot the horse being frightened, threw the boy from him, the soldiers came up and knocked him in the head with their pieces, and took his horse from him, and any money he had, without asking him a question.

It would be endless to set down the ravages and severities of the soldiers, and therefore I shall only add another instance to show the share which the conformable clergy had in them, which can be attested by several witnesses yet alive. It is no pleasure to me to expose people of this or-

der, but their hand was so deep in every trouble that came about, that it would be unfaithfulness to pass them. In the parish of Cathcart near Glasgow, there was a good old man, John Watson, who lived in Langside. This man fell very poor, and was obliged to beg his bread from house to house, besides, he was almost wholly lame. The curate Mr Robert Finnie was much embittered at this man because he would not hear him, and at this time he likewise refused the abjuration oath. Mr Finnie gave in an information against him as a dangerous and disaffected person, and got an order to a party of my lord Ross his troop to apprehend him. The party came to Langside where any dwelling the man had, was, and were informed that he was at Glasgow waiting on for an alms, it being the day of the week upon which Sir James Turner used to give somewhat to the poor at his lodgings. So for that time he escaped. Mr Finnie continued in his rage against the poor, lame, aged man, and procured another party to be sent in quest of him, with strict orders to apprehend him. When they came he was at home in his cottage, and they were really ashamed so many of them had come for so small a prize. When they saw him, they found he was neither able to flee from them, nor travel with them. And some of them failed not to curse the minister, who had hounded them out upon such a prey. They urged him hard to swear the abjuration; John told them in much calmness, that it was now a long time since he had sworn the covenant, and resolved to swear no more oaths. The soldiers knew not how to get him to Paisley, and were ashamed to go along with a beggar and cripple too. His neighbours, out of regard to the honest man, and it may be fearing worse, offered to send him on a sledge to the Hawk-head, my lord Ross's house. My lord getting an account of the matter before John came up, sent out a servant, and ordered him home again, blushing at Mr Finnie's malice and merciless temper, and sent half a crown to him as a real object of alms.

There is but one other instance, with which I shall end this general account of the persecution upon the score of the ab-

jurament, which I have well attested from the parish of Pennigham in Galloway, by the late worthy and learned Mr Robert Rowan minister there, and it is the case of the Milroys in that parish. I give it altogether in this place, though it relates to several years, and from it we may have a new view of the severities of this time, and an estimate may be made, what a black account we might have had of them if care had been taken to get such circumstantiated and attested narratives as this is. I give it mostly in the words of my dear friend, though I must shorten them.

There were two brothers in that parish, Gilbert and William Milroys, living at Kirkanlay in Castle-stuart's land. Last year when the test was pressed violently, William took it, and Gilbert compounded with the sheriff-depute to get his name out of the rolls, and actually gave him twelve pounds, and got off. But this year when all were obliged to abjure, these two, with their younger brother Patrick Milroy, having no clearness to swear, were obliged to abscond and wander. In June or July this year, the earl of Hume sent his Merse militia to their houses, and rifled them, and drove away all the cattle they could reach. And two days after, seventy horsemen came under cloud of night upon them, continued all night, and destroyed all the foot had left, committing great severities upon the women who were in the houses, particularly upon Gilbert's wife, when she offered to detain from them some wearing clothes of her own, which, she said, men had no use for; they seized her and put lighted matches betwixt her fingers, and grievously tormented her and several others. Early next morning they searched the fields about the house, and seized Gilbert Milroy's brother William, with a servant of about sixteen years of age, who were lying hid among the corn, and carried them prisoners to Monnigaff. They likewise took with them the remains of the cattle and household-stuff which had been put out of the way before. The number of cattle taken from them at both times, was eighty black cattle, besides a great many young ones which were with them, not numbered, twenty four score of sheep, eight horses and mares, some of them

worth an hundred pounds. The destruction of corns by eating, treading 1685. down, and their frequent ranging the fields, cannot be computed; and what was not destroyed their families durst not stay to reap, and so it was entirely lost: their crop was twenty four bolls of sowing each, of Galloway measure.

Next day Gilbert and William were brought before the earl of Hume at Monnigaff, and were examined as to their keeping the church, converse with whigs, and who among their neighbours used to reset them. When they declined to answer upon those points, they were put to the now ordinary torture of lighted matches betwixt their fingers, but through God's grace they endured all, and would make no discoveries. Here they were kept six days, and every day threatened with present death, if they would not comply, conform, and delate such whom they knew in the neighbourhood did reset persecuted people. As the severities of the officers and commanders were great, so the impiety of the common soldiers deserves our notice. Gilbert Milroy's wife was come to Monnigaff to wait upon her husband; she had gone out to the fields to pray, and one of the soldiers overhearing this good woman, came up to her, and drawing his sword threatened to kill her for praying; however he was restrained, and only brought her prisoner to the captain of the guard, bawling out against her prayers, and swearing they were treason. The captain saw good to dismiss her. Her husband and his brother, with several others, were carried under a guard to the church of Bar, tied together two and two, like beasts for the slaughter; there they were kept three days and examined by major-general Drummond, who hectorred and threatened them terribly, telling them, if they would not comply, and inform where the whigs haunted, and who used to reset them, he would send their dittay with them, so that they should be hanged without an assize as soon as they came to Edinburgh: but nothing prevailed upon them to act against their conscience. Thereafter they were sent to Hamilton, where they stayed one night, and from thence were carried to Edinburgh, and imprisoned at Holyrood-house, all the

rest of the prisons being fully packed. 1685. There they were examined by some of the counsellors and the advocate as to their not keeping the church, their haunting field-meetings, keeping company with rebels, and as to their knowledge of the persons who used to reset such; and not answering their interrogatories to satisfaction, they were severely enough handled. Mr James Colquhoun, episcopal minister at Penningham, had no small share in their being thus treated. Gilbert Milroy found means to treat with him when he was apprehended, and sent him a good wedder upon his promise to speak and act in his favours. Gilbert's wife afterwards went to Mr Colquhoun, and asked a line in her husband's favours: accordingly, he wrote a letter and sealed it, giving it to herself to carry in with her to Edinburgh. In this line, instead of acting in the prisoner's favours, he informed the judges that he was a disloyal person of rebellious principles. This, together with their refusing to comply and swear the present oaths, brought on their sentence, which was to have their ears cut off, and to be banished for ten years; and when their sentence was intimated, they were put in the iron-house. In a few days some of the counsellors came in to them with a surgeon, who cut off the ears of all the prisoners who came from Monnigaff, except Gilbert Milroy, who was then so fatigued and weak, that he appeared to be in a dying condition; and after the surgeon had his scissors about his ear, he passed him as a dying man.

Since I have brought them this far, I shall go through their troubles, and place them here all together, as a flaming instance of the rigidity of this period, toward persons who had never carried arms against the government, or been in any opposition to it, merely for their opinion, and refusing what they reckoned an unlawful oath; and from those attested relations the reader will easily form a notion of the heavy sufferings of many who were thus dealt with, of whom no accounts are now preserved.

About five or six days thereafter, Gilbert Milroy with the rest of the sentenced prisoners in the iron-house, were taken out, and six and six of them tied together, and such of them as were not able to walk,

which was the case of several, were carried upon carts to Newhaven, put into a ship lying there, and thrust under deck, two and two of them fettered together, to the number of an hundred and ninety. While at sea, they were kept close together night and day under great distress, for want of fresh air, starved with hunger, and tormented with thirst, so that several of them were put to drink their own urine, and two and thirty of them died. They were three months and three days at sea, and had no favour shown them by the master of the ship or seamen. When they landed at Port Royal in Jamaica, they were put in an open prison, and had very much friendship shown them from several people in the island; particularly by one Mr Hicks who was afterwards in this popish reign prosecuted at law, and vexed by evil minded persons, for showing kindness to those suffering people. After ten days' continuance in open prison, they were sold to be slaves, and the money paid for them was given to Sir Philip Howard, who had got a gift of them from the king.

Gilbert Milroy suffered very hard things in Jamaica, after he was sold. His master would have him to work on the Lord's day; this he peremptorily refused. After he had been beat several times, one day his master drew his sword, and had well nigh killed him; but afterwards finding him faithful, conscientious, and very diligent, he altered his way, and made him overseer of all his negroes. The blacks mortally hated him for his fidelity to his master, and made various attempts to murder him. One of them struck him on the head with a long pole, whereby he lay dead for some time, and lost a great deal of blood, so that ever since he is a little paralytic. At another time he was poisoned by another of the negroes, but was saved by timely application of antidotes. In short, he was continually in hazard of his life by those savages.

Many of the prisoners died in their bondage, but Gilbert lived till the happy revolution, and then was liberated, and came safe home to his wife and relations; and when my account was written December 1710, he was alive, a very useful member

of the session of Kirkcowan; in the presbytery of Wigton. Providences were very closely observed by him, and he kept an exact account of the Lord's way with him in writing, out of which the above particulars are taken; and he had very singular steps of providence to remark, as to the Lord's methods with the persons concerned in the ship which carried him and the rest to Jamaica, and such as were active in their hardships and troubles, some of which will not be unacceptable to the serious reader. He notices, that Sir Philip Howard an English gentleman, who procured a gift of the hundred and ninety prisoners from king James, and designed to come over to Port Royal, never had the satisfaction of enjoying the price of their liberty; just when taking his leave of his friends and companions, and coming over the Thames, he fell down betwixt two ships, and perished. When they were at sea on their voyage to Jamaica, he observes, that about forty of the soldiers and crew in the vessel, who were so very cruel to them poor prisoners, turned mad, and leaped over board, and many others of them were trysted with a pestilential fever. The master of the ship, Mr Evans, fell sick, and his body gradually rotted away before his death, so that nobody almost could come near him; and it would seem he had some terror likewise upon his mind for the hardships he had done to the prisoners, for he called for several of them, and begged them to forgive him, and pray to the Lord for him, which they very cheerfully did. He remarks lastly, that this ship, wherein they were carried to Jamaica, was sold for three hundred pounds sterling, and lost in her voyage homeward; and he who commanded in her, William Love, was brought to such misery, as the said Gilbert was informed when he came home 1690, that he was become under-cook in a man-of-war.

To end this section, the troubles of the country were really inexpressible by the violent pushing of this oath in January and February this year. The imposition of it was much more rigid in some places than others. Where the heritors were not for severities, and there happened no soldiers to come, things went tolerably easy: but in most

places of the south and west it was urged most unaccountably upon lass and lad, young and old; and multitudes of poor women were sent to the plantations, several of them from their children and small families, for no other reason but their refusing it. However, it is noticed by some, that in the event, this method increased the suffering party, and the number of wanderers; for it was crammed down with such haste and violence, that many through present fear fell in with it; and afterwards, when they came to be affected with their sin in so taking it, they quit conformity altogether and joined with the persecuted party. Providence put a stop in part to this general violence, by king Charles' death; and the imposition of this oath slackened a little toward the end of February. The murders in cold blood increased rather after the king's death, for some months; but the universal pressing of the oath ceased, though still this was carried on by the soldiers throughout this year, and even afterwards, as we shall hear.

SECT. II.

Of the procedure of the Council and their Committees, till the king's death.

THE death of king Charles II. falling in February 6th, this year, makes it not unfit that I give the persecution of presbyterians by the council, in two sections; and here I begin with what passed in council before that remarkable event, though the consequences of this will lead me to some things which happened some little time after this. I begin with the effects of the council-commissions with justiciary power, granted, as we have seen, December 30th last year, in the different shires; and then I shall insert what I meet with in the council-registers this year. By the powers and instructions above insert, granted to such as constituted those terrible courts, we may easily perceive how frightful they were to the southern and western shires. They were horrid inquisitions, and in several things they went even beyond their severe instructions. While the soldiers were almost every week murdering some in the fields, those commissioners, or any two of

1685. them, had the power of life and death in their hand, and were to pick up any who were overlooked at former courts, and went back as far as Bothwell and Pentland, yea, even the restoration, for nonconformity. We may likewise consider those courts as a kind of precognition before the parliament sat down. The commissioners were to gather up all that could be found against the gentlemen in prison, in the close of the last year, and others, who, we heard, were cited before the ensuing parliament, in order to forfeiture. They were ordained to meet, January 15th, and had different sessions in January and February. There were no registers kept of their procedure, as far as I know; and it is but a lame account I can give of what they did, from a few hints come to my hand. One instance or two from Dumbarton and Renfrew shires, may suffice.

To begin with the commission for Dumbarton. In February, Orbiston, major Arnot, and the other commissioners, met; and, among many others, they had before them that worthy gentleman John Zuil of Darleith, whose treatment I shall give from an attested account I have from one of his nearest relations, who knew all the circumstances of it. Darleith had been cited in October, and not compearing by reason of sickness, he was denounced. At this court he appeared, though he remained sickly, and very much indisposed, and was fined in a thousand pounds sterling, merely because he refused to depone upon his libel as to reset and converse, and for his refusal of the test offered to him; he was cast into prison in the castle of Dumbarton, to continue there till he paid his whole fine. In March thereafter, his lady fell ill of a fever, whereof she died; and though it was but a small distance from the castle, her husband for a good while was not suffered to come out to see his dying wife. At length, his son Robert Zuil, since the revolution bailie and dean of guild in the city of Glasgow, with his son-in-law, were admitted to give bond with himself, for a thousand pounds sterling, that he should return to prison in four days after the interment; for this mighty favour he was not allowed till the lady was dead, and he was denied the satis-

faction of seeing her. He returned at the time appointed, and was continued close prisoner eighteen or twenty months till the persecution slackened a little. However, by this harsh treatment, and want of accommodation in prison, this excellent gentleman contracted a consumption, whereof he died January, 1688.

Since writing what is above, I have sent me the just extract of a decret, past at this court, which deserves a room here, and it relates to a good many others besides Darleith. "At Dumbarton, February 19th, 1685, sederunt, William Hamilton of Orbiston, sheriff-principal, Humphrey Colquhoun fiar of Luss, major George Arnot lieutenant governor of Dumbarton castle, and Archibald M'Aulay of Ardincaple, commissioners of council and justiciary. The whilk day, anent the libel pursued by his majesty's advocate, and Thomas Wallace sheriff-clerk, having commission from him before the said commissioners, against John Campbell of Carrick, and Christian Elliot his spouse, John Zuil of Darleith, and Anna Fisher his spouse, John Napier of Kilmahew, and Lilius Colquhoun his spouse, Isobel Buchanan relict of umquhile Archibald Buchanan of Drumhead, Claud Hamilton of Barns, and Stuart his spouse, Hugh Crawford of Cloverhill, and Hamilton his spouse, John Douglas of Mains, and Hamilton his spouse, William Colquhoun of Craigton, and Stirling his spouse, William Semple of Dalmock, and Denniston his spouse, and William Noble fiar of Ardaran. The commissioners foresaid, having seen and considered the libel, and acts of parliament whereupon the same is founded, together with the forenamed persons defenders, their valuations; and the foresaid libel being found relevant, and admitted to the foresaid pursuer's probation, and by him referred to the hail defenders' oaths, decern as follows, viz. the said John Napier of Kilmahew, for his noncompearance, is holden as confessed, and is fined in the sum of two thousand pounds, sterling money of England, for himself and his lady; John Zuil in a thousand pounds sterling, having appeared and confessed two years withdrawing from his parish-church, since the

indemnity, as likewise a house-conventicle and other church disorders, he refusing to give a testimony of loyalty by taking the test, when required by the commissioners; also, fine the said John Campbell of Carrick, for himself and his lady, in the sum of fifteen hundred pounds, because of his contumacy in not compearing when lawfully cited, at which day his spouse Christian Elliot compeared, and acknowledged she had heard outed and unlicensed ministers preach and expound scripture in her husband's house several times, but cannot be positive how oft; and the foresaid Isobel Buchanan in a hundred pounds sterling: and ordain the magistrates of Dumbarton to imprison them instantly, or when apprehended, till they pay the said sums, or otherwise give satisfaction to the noble and potent prince William duke of Queensberry, lord high treasurer. For which this shall be to them or any of them a sufficient warrant."

Let me go over the river Clyde to the shire of Renfrew, and we shall yet meet with greater severities. Most part of the presbyterian gentlemen of that shire we left in prison at Edinburgh last year, so that the commissioners there, had only some meaner persons to exercise their severities upon.

Upon the 3d of February, I find John Park and James Algie executed at the cross of Paisley, by sentence of the commissioners for this shire. I have a distinct account of them from the late reverend Mr Matthew Crawford minister at Eastwood, where they lived, whose piety and learning make his memory savoury to all who knew him. Those two men lived in Kennishead in the foresaid parish, and were joint tenants in a bit of land there. I am informed that James Algie was an ordinary conformist, and heard the episcopal minister till within a few weeks before this, when through the influence of the other he gave it over. It is certain that both of them gave over that land they had jointly a tack of, upon some reason or other, which one who had been instrumental in bringing them thither took very ill, and drove his resentments so far, as to inform against them, and sent a nephew of

his upon the Lord's day, February 1st, with a letter to Mr John Cochran of 1685. Ferguslie at Paisley, bailie of the regality of Darnley, under which they lived, informing him that those two were persons of rebellious principles, disowned the king's authority, and defended the declaration of the societies, adding, that it was his business, as judge ordinary, to notice them as he would be answerable. The bearer of the letter was put in close custody until the forenoon's sermon was over, and then a party of soldiers were ordered out, and the two men were seized in their own house just when about family worship, and carried down to Paisley that night, and examined there upon the common interrogatories. In which they not giving full satisfaction, were left in prison. And the commissioners having a justiciary power for that shire, met on Tuesday, and sentenced them in the forenoon, and they were executed that same day about two of the clock. While they were in prison, Mr James Hay, afterwards minister at Kilsyth since the revolution, was sent to them by Mr Matthew Crawford, who was much concerned in them, being some way part of his charge, but being denounced durst not go himself. Upon conversation with them, he found they knew very little as to the debatable points upon which they had been interrogate, only they had lately drunk in some of the tenets of those who denied the king's authority: but upon conversation and further instruction, they appeared very willing to quit them. And after some pains taken upon them, they came to be satisfied to take the abjuration oath. But it seems their death was resolved on, whatever condescensions they should make. And when an offer was made, in their name, in open court, that they would swear the oath required in the council's proclamation, the laird of Orbiston, who now managed matters here and in Dumbartonshire, according to the bloody imposing spirit of the times, answered, directing himself to the two pannels, "The abjuration oath shall not save you; unless you take the test, you shall hang presently." The two plain good men, having a just abhorrence at the test, replied, "If to save our lives we must take the test, and the abju-

1685. ration will not save us, we will take no oaths at all." And upon this qualified refusal of the abjuration, they were sentenced to die presently. Had the poor men peremptorily demanded the benefit of the abjuration, even by the then laws they could not have taken their life, for they had no facts at all against them, and the test could not in law be required of them; but they had neither skill nor courage to plead before courts, and no lawyers were allowed to argue for them. This made the fforesaid gentleman, one of their judges, after the sentence was passed, boast in the wickedness, and vauntingly say, "They thought to have cheated the judges, but by —, I have tricked them." So dreadful was the thirst after innocent blood in some intrusted by the government with the execution of the present iniquitous laws.

I have given a particular detail of this matter, because my accounts are from persons of the best credit, who had occasion to know it exactly, and it is a melancholy proof of the stretches made by the executors of the wicked laws now in force, even beyond their own bloody rules.

Those two pious youths were executed that same day, within a few hours of their sentence, I might have said, of their apprehending, and they lie buried near Paisley.* It were worth while to remark it, this may serve to correct a double mistake in the account of these two men, in the *Cloud of Witnesses*, pag. 286, that they are buried in the parish of Eastwood, and that they suffered for refusing the abjuration, which ought to have been qualified as above. I am informed by some yet alive, who were present at their execution and burial, that the soldiers there present endeavoured to make the people who concerned themselves in their burial, to approve of their death, and declare they died justly, threatening them with present imprisonment if they did

not so, which is a new instance of the barbarity of this period.

Another instance of unaccountable severity at this court, upon the same day, was in the case of Robert King miller at Pollock-shaws, in the same parish of Eastwood, which may let us in to a further view of the treatment country people met with at those courts. This good man died but lately in a good old age, and I have several times had the accounts of his severe treatment from himself. Before this he had been twice fined for mere nonconformity, in forty pounds Scots, and at both times much more than the sum was exacted by the soldiers when they came upon him at different times. The firmness and composure of his wife Janet Scouler, under the severities of the soldiers, was truly remarkable, and in my opinion deserves a room here. This excellent woman was far beyond the common size of country people, for good sense and solid knowledge, and was really extraordinary for serious exercising religion. I could insert several very singular instances of it in her, and of the Lord's manifestations of his covenant to her, were this a place for it. One day a party of soldiers came to their house and rifled it, taking away two or three horses, and five or six cows, and had plundered the house of any thing portable. When they were doing all this, Janet was perfectly easy and composed, not in the least ruffled, so that the soldiers could not but take notice of it. When the cattle were driving alongst the Shaw-bridge, at the end of which their house was, Janet came to the door, and looked after them. One of the soldiers observing her, and being a little more merciful than the rest, turned about and said, "Poor woman, I pity thee." Janet answered him with a great deal of gravity and cheerfulness, "Poor," said she, "I am not poor, you cannot make me poor, God is my portion, and you cannot make me poor." This was to glory in her tribulation, and to rejoice at all times, and bless the Lord continually. To return to her husband; a party of soldiers upon the 3d of February pretty early, came to his house, and brought him down prisoner to Paisley. Nothing could ever be laid to his charge but mere nonconformity,

* They were buried in the *Gallowgreen* of Paisley. About fifty years ago, in consequence of the extension of the buildings of the town over the *Gallowgreen*, their bones were taken up, decently re-interred in a more suitable spot, and a flat stone laid over the grave with a suitable inscription. This was done by the order and at the expense of the magistrates and council of the burgh.—*Ed.*

he having never borne arms. He was presented before the commissioners met upon the former occasion, whose severity was chiefly owing to the violence of the gentleman last named. When Robert King is before them, he was interrogate, if the death of the archbishop was murder. He answered, he did not understand the matter so far, as to determine in it. Again he was asked, if the king sinned in rescinding the covenant. He told them, he would not answer to such questions as these. After they had put several more to him, they put the test to him, which he peremptorily refused. In the time of his examination, the two forenamed young men, his neighbours and acquaintances, were hanging upon the gibbet before the tolbooth of Paisley, where the court sat. Robert was bid look upon these two before the window, and assured (the threatening was illegal as well as barbarous) that if he took not the test, immediately he would be knit up with them. He refused for a good while. To fright him the more, they shut him up in a corner of the prison, permitting nobody but his guard of soldiers to be near him, and told him, he had but an hour more to live; and the trumpet was to be sounded thrice, and if he sat the third summons at the expiring of the hour, there was no mercy for him. When he was sent off, the first blast was given, and in less than half an hour the next. The poor man, brought to this pinch just from his work, was much frightened, and no great wonder, and fell into very great confusion, and as he himself used to express it, was perfectly out of himself; and in his fright, when warned before the last sound of the trumpet, he complied and took the test. This was matter of heavy vexation to him for many a year; and the Lord gave him repentance not to be repented of for this involuntary fall, which was more the sin of his persecutors than his. This is a very affecting instance of the fury of this time, and the barbarous methods taken to bring poor people to compliance with their impositions.

I shall only add one other instance of the severity of this court at Paisley, come to my hand since writing what is above. Rolls of all the inhabitants were called for, and because

Thomas Crawford, then younger of Crawfords-burn, was not so timeous 1685. in giving in a list of the inhabitants of his lands, as they would have had him, he is fined in a hundred pounds. Indeed it was afterwards remitted; and because Robert Shearer, sailor in Crawfords-dyke, (yet alive) did not compear before them, the commissioners ordered his goods to be sequestrate, and his wife to be imprisoned in Dumbarton castle. The execution of which was put upon their master, the forementioned present laird of Crawfords-burn; which invidious work when he did not do, he was severely threatened to be represented to the government; but this was happily prevented by favour of the lord Ross.

No further accounts are come to my hand of the procedure of the commissioners in other shires, save those in the north, which will come in from the council-registers, whence I come now to give a detail of what concerns the sufferers till the king's death.

January 7th, a letter is read from the king, appointing the underwritten noblemen and gentlemen to be processed before the ensuing parliament, and the council form the following act. "The lords of his majesty's privy council having a letter from the king, dated Whitehall December 24th, signifying, that his majesty having indicted a session of parliament to meet at Edinburgh the 10th of March next to come; and seeing his majesty's royal brother cannot stay so long, nor is it fit to keep the members so long together, as sixty days may run from their first meeting, before the process, necessary to be raised against such as are accessory to the late treasonable conspiracy, and other crimes of treason, can come in; and it having been ordinary in the reigns of his majesty's royal predecessors, to issue out processes in such cases, for citing those who are to be accused; and therefore commanding his advocate to raise processes before the said session of parliament, immediately at sight hereof against the whole persons aftermentioned, viz. Denholm of Westshiels, Stuart son to Cultness, Sir John Cochrane of Ochiltree, James Stuart son to Sir James Stuart provost of Edinburgh, the lord Melville, Sir

1685. Patrick Hume of Polwart, George Pringle of Torwoodlee, Andrew Fletcher of Salton, Hume of Bassenden, Hay of Park, Sir James Dalrymple of Stair, Walter Lockhart of Kirkton, Montgomery of Langshaw, John Weir of Newton, Mr Gilbert Elliot writer in Edinburgh, Campbell of Ardkinglass, Sir Hugh Campbell of Cesnock elder, Sir George Campbell younger thereof, the heirs of the deceased earl of Loudon, the heirs of the deceased Mr Robert Martin, late clerk to the justice court. The lords give warrant accordingly." And January 9th, I find, upon what reason I know not, the lords appoint the advocate to begin a process of treason against Mr Robert Martin, Mr Gilbert Elliot, Mr Robert Fergusson, Sir William Scot younger of Harden, Sir James Dalrymple of Stair, and Montgomery of Langshaw, notwithstanding they are cited to the parliament. How far this is consistent with rules and forms, I leave to lawyers to determine. We shall hear more of some of them just now from the justiciary registers.

January 8th, the council send a commission north, and write the following letter to the bishop of Murray. "My lord, his majesty's privy council having commissioned the earls of Errol and Kintore, and Sir George Munro, to prosecute all persons guilty of church disorders and other crimes, in the bounds betwixt Spey and Ness, including Strathspey and Abernethy, and their first meeting to be at Elgin, the 22d of January instant, the council have thought fit to recommend to your lordship to advertise all your ministers within the bounds foresaid, to attend the said commissioners the said day, and to bring with them their elders, and lists of persons guilty of church disorders, or suspect of disaffection to the present established government in church or state, whereupon they are to depone. I am, &c.

"PERTH, Cancel."

And at the same diet, they order my lord Duffus, with the militia troop, to attend them; and January 9th, their commission is extended to Inverness, Ross, Cromarty, and Sutherland. The seed sown by the

banishments, after the first introduction of prelacy, of Mr David Dickson, Mr Robert Bruce, and others, and more lately by ministers and gentlemen banished thither by the high commission, and by the labours of Messrs Hogg, M'Gilligen, and others, were not yet worn out from that country; and though there were but few comparatively with the west and south, yet there were more, than many imagine, dissatisfied with prelacy and the present methods. To bear down any such, that commission is sent north. The best and most satisfying account I can give of this northern commission is from the registers, and I wish there had been as distinct accounts of the rest there; but I find not one word from any of them save this. Their report is made to the council, March 2d, which, with the council's approbation of their procedure, is as follows.

Report from the commissioners for Murray.

"Forasmuch as there being this day given in to the lords of his majesty's privy council, the address and report following, of the commissioners appointed by the king and council, for pursuing and punishing of delinquents within the district of Murray, as the same in itself, in manner underwritten, at length bears. Follows the tenor of the said address and report. 'Unto the right honourable, the lord high chancellor, the lord high treasurer, and remanent lords of his majesty's most honourable privy council, the report of the right honourable John earl of Errol, and lord high constable of Scotland, John earl of Kintore lord treasurer-depute, and Sir George Munro of Culcairn, commissioners of his majesty's privy council and justiciary, for the district of Murray, sheweth, that, in pursuance of the commission and instructions given to them, they, upon their first arrival in Murray, issued forth precepts for citing such disorderly persons within the shires of Bamff, Ross, and Sutherland, (as being most remote) as were given them in their instructions, and whereof they had got information; and commanded the respective sheriffs to cause summon all the other disorderly persons, within these shires, to appear at a certain day. The lords having

proclaimed protection to all persons concerned, they discharged any to go out of the district without their license, and ordained all who came into the district from the south land, to appear before them, and produce their letters and papers, and be examined. The lords caused make up complete lists of all the heritors, liferenters, and wadsetters, within the district, and allowed them to meet and make address of what they would offer for the security of the peace and government; and accordingly, they all unanimously gave in a very loyal address, and voluntary offer of three months' supply to his majesty, and the burghs gave in the same. The heritors likewise, and burghs within the district, did all unanimously sign a bond for securing the public peace, and for their regular living. The heritors also and burgesses did take and swear the test, and oath of allegiance, and asserted his majesty's prerogatives, except a few heritors to whom the lords thought fit not to tender the same at that time, but who appeared to be willing to take it, and some loyal persons absent on excuses. The lords did very strictly examine all the ministers and elders within the district, with several persons of honour and loyalty, anent the condition and state of the country, and the disaffected and disorderly persons therein, and libelled all persons delated, banished some, fined others, and remitted a few to the council, a list of all whom is herewith given in. The lords were at much pains, and took great trial anent James Nimmo, Mr Robert Martin, Pitgavie, and Park Hay, and anent the plot, and contributing money and doing favours to rebels. The lords ordered to imprison the laird of Fowlis elder, (a disorderly person not able to travel) at Tayn, and the laird of Fowlis younger at Inverness, in case he refused the bond of peace; and gave orders to apprehend, and send Mr William Mackay, a vagrant preacher in Sutherland, prisoner to Edinburgh. The lords cleansed the country of all outed ministers and vagrant preachers, and banished four of them for not taking the oath of allegiance, keeping conventicles, and refusing to keep the kirk, and fined one of them, being an heritor, in ten thousand merks, and ordered them to

be transported prisoners to Edinburgh. The lords ordered to apprehend the few delinquents that were absent, and to commit them to prison till they should sign the bond of peace and regularity, and engage to keep the kirk in time coming. There being a good many commons, and very mean people, delated and libelled for church disorders and irregularities, and being all formerly fined, and almost all of them since regular, and the few who had not been so, having sworn to keep the kirk, and their masters and husbands having engaged for them, the lords assoilied them, and left orders with the respective sheriffs to put the laws vigorously to execution, against all church-dissenters, and especially against such as were formerly disorderly, and were now engaged to live regularly, and to report their diligence to the council. The militia regiment and troop did attend the lords, whom they did view, and caused put in order. The bishop and clergy of the diocese of Murray, attended the lords in a body, and gave them their hearty thanks for the great pains and diligence they had used to the good and encouragement of the church and clergy in that place, and begged the lords would allow them to represent their sense and gratitude thereof to the lords of his majesty's most honourable privy council. Follows the list of the persons banished, viz. Mr James Urquhart, Mr John Stuart, Mr Alexander Dunbar, Mr George Meldrum ministers, Alexander and Mark Mavers portioners of Urquhart, Donald and Andrew Monro of Elgin, Alexander Monro sometime of Main; likeas a married woman, Jean Taylor a servant. List of the persons fined, viz. the laird of Grant in the sum of forty two thousand five hundred pounds Scots, the laird of Brodie in twenty four thousand pounds, the laird of Lethin in forty thousand pounds, Francis Brodie of Milton in ten thousand pounds, Francis Brodie of Windyhill in three thousand three hundred thirty three pounds, six shillings and eight pennies, Mr James Brodie in Kinlee, in three hundred thirty three pounds, six shillings eight pennies, Mark Maver portioner of Urquhart, banished, and fined in three hundred pounds, Mr George

1685.

1685. Meldrum of Crombie, banished, and fined in six thousand six hundred sixty six pounds, thirteen shillings four pennies. *Summa* is one hundred and twenty thousand, nine hundred thirty three pounds, six shillings, eight pennies Scots. List of persons cited to appear when called, viz. Thomas Dunbar of Grange, the laird of Innes younger, William Brodie of Coltfeld, William Brodie of Whitewray, and Mr Robert Donaldson in Ayr. *Nota.* The lords were at much pains, and took great inquiry anent a fiery cross sent through the country, to alarm the people, and hinder them to go out to the king's host, against the rebels at Bothwell-bridge; and as anent a combination and club, kept for carrying on and bringing in an indulgence to Murray, the depositions anent all which are herewith reported. Subscribed, Kintore, for himself, in name of the earl of Errol, and Sir George Monro. And whereas the consideration of the said report, having been remitted to a committee of the council's number, and they having, conform to the reference made to them this day, made report thereanent, the lords of his majesty's privy council upon consideration of the foresaid address, and report of the said commissioners, with the report of their own committee aforesaid, do thereby declare, that they are very well satisfied with their procedure and diligence, and do approve thereof; and besides, did return their hearty thanks to the earl of Kintore, for himself and the other commissioners, upon that account."

No observations are necessary upon such procedure against so many excellent gentlemen: the unaccountableness of this treatment will appear much better from a petition given in to the council by the laird of Grant, in April, desiring that part of the commissioners' sentence against him may be recognoesced, than from any thing I can say; and therefore I shall add it here, with the council's refusal, which is another evidence of the severity of this period.

"Edinburgh, April 16th. Anent the petition presented by Ludovick Grant of Freughie, showing, that the petitioner is

charged by virtue of letters of horning, raised at the instance of his majesty's cash-keeper, to make payment to him of the sum of forty two thousand five hundred pounds, Scots money, conform to a decret obtained at the instance of his majesty's advocate, against the petitioner, before the lords commissioners of his majesty's privy council, met at Elgin the eleventh day of February, one thousand six hundred and eighty five years, within fifteen days next after the charge, &c. And since the said decret is founded upon thir grounds, viz. That the petitioner's wife confessed two years and a half's withdrawing from the ordinances, the having and keeping an unlicensed chaplain, hearing outed ministers preach several times, and that the petitioner confessed the keeping of the said unlicensed minister, and hearing an outed minister preach once, and pray several times; it was humbly craved, that his grace and the council might resume the consideration of the said decret, upon thir grounds, *1mo.* The petitioner, with all submission, conceives, that by no former law, an husband is declared liable for his wife's withdrawing from the ordinances. *2do.* It is notourly known, that the parish church was vacant for one year and a half of the time libelled, that the next parish kirk is six or seven miles distant, and that the petitioner's wife, for the most part of the remanent time, was valetudinary, and given over by the physicians. *3tio.* The petitioner's wife deponed expressly, that it was never her principle to abstain from hearing upon the account of any disloyalty, disrespect, or disaffection to the government, and before and after the time libelled she is a constant hearer. *4to.* It cannot be pretended, that any conventicle was ever holden in any house or fields belonging to the petitioner, and neither the petitioner nor his wife did even hear any outed minister preach, pray, except in the house of Lethin, when the lady Lethin (the petitioner's mother-in-law) was on deathbed, there being none present but five or six of the same family, which hearing was merely accidental, without any design, the petitioner and his wife being, by the ties of nature and charity, obliged to attend their said dying mother, in time of her sickness. *5to.* Albeit the pe-

petitioner and his wife, upon oath confessed, that Mr Alexander Frazer, (who in the decret is called an unlicensed chaplain,) was their servant, yet the said Mr Alexander Frazer was an actual minister under bishops, who took the oath of allegiance, and subscribed the declaration against the covenant, being instituted by bishop Murdo Mackenzie, into the kirk of Daviot, which is one of the mensal kirks of the diocese of Murray, and thereafter demitted his charge, by reason of his infirmity, nor was he ever the petitioner's feed-servant, but a tenant, and was actually removed before the act of parliament ordaining chaplains to take the test, and before the proclamation dated the fourth day of June, 1683, discharging chaplains in any family without license from the ordinary, neither was he ever pursued, charged, or sentenced, for any cause whatsoever to this hour; and in regard the petitioner is most desirous, and cheerfully offers to give all the evidences and demonstrations of his loyalty and affection to the government that can be demanded, and to assert the same with the deepest protestations imaginable, and from which no event whatsoever can be able to discourage him, declaring from his heart all thoughts in the contrary most nauseous and abominable; and therefore humbly supplicating that his grace and remanent lords of council, would revise the said decret, grounds, and warrants thereof, and in the meantime stop further procedure, it being hoped by the petitioner, upon perusal of the whole matter, he would be found totally innocent. Which petition being upon the 16th day of April instant read in council, his majesty's high commissioner and lords of council did remit to a committee of the council's number, to consider thereof, and decret foresaid for the district of Murray, and grounds and warrants of the same, and to hear the earls of Errol and Kintore, two of these commissioners in the affair, and to report (execution in the meantime against the petitioner being sisted). And the said committee having, upon the 18th of the said month, met and called the laird of Grant petitioner, and heard him and his advocates, and considered the foresaid petition and reasons therein mentioned, together with the oaths of the pe-

tioner and his lady, before the said commissioners, and this day made their 1685. report in the hail matter, his majesty's high commissioner and lords of privy council do find that the lords commissioners of the district of Murray, have proceeded legally, and conform to their commission and instructions, in fining the said laird of Grant petitioner, in the foresaid sum of forty two thousand and five hundred pounds, Scots money, and the letters and charges at the instance of his majesty's cash-keeper, against the said laird of Grant, orderly proceeded; and ordain the same to be put to further execution, conform to the tenor thereof, ay and while the said fine be fully satisfied and paid."

After what I have already inserted, I need scarce add any thing from private hands; but that the reader may have a full view of this sore persecution, I shall subjoin a particular narrative sent me by a worthy gentleman in Murray, upon whom the reader may depend for the truth of it. "The members of the criminal court which sat at Elgin of Murray, in the beginning of the year 1685, were the earls of Errol and Kintore, with Sir George Monro, commonly called major-general. As soon as the commissioners came to town, they caused erect a new gallows *ad terrorem*. Most of the presbyterians in this country were summoned before them, though they had no crimes to charge them with, but absence from the kirk, and being at conventicles; none here having been at Bothwell, or in any thing termed rebellion. They fined the laird of Brodie, this Brodie's grandfather, in forty five thousand merks, merely upon his having a conventicle in his house. That gentleman went to London to get, if possible, some reasonable composition made for his fine: after much pains and expense he was forced to give bond for twenty two thousand merks, to one colonel Maxwell a papist, to whom that sum was paid, and the colonel's acknowledgment of it is yet among the papers of that family. Alexander Brodie of Lethin in forty thousand pounds, and a fifth part more in case it were not paid in a year. All they had against him was, that he would not depone he had not heard

1685. a presbyterian minister preach. His fine was gifted to the Scots popish college at Doway; and an adjudication was led against his estate, which yet stands in the register of adjudications. A composition was made, and a great sum paid to the earl of Perth; and this Lethin yet hath the earl's receipt, if I remember, for thirty thousand pounds, which he hath promised me to send to you, if needful. Francis Brodie of Milton, on the same score was fined in nineteen thousand pounds, which was near the value of his estate, then perfectly free. This was given to Gray of Crichy, who adjudged the estate, as appears yet in the registers. The happy revolution delivered him and many others. David Brodie of Pitgavenie, was fined in eighteen thousand pounds by Tannachie, who was sheriff-depute under my lord Down, and made sheriff of Murray by the king, the heritable sheriff at that time being removed, as judged to favour presbyterians. His crime was the same with the two former. A good part of his fine was paid. Francis Brodie of Windyhill, was fined in a sum near the value of his estate, which being but small, he got it down. A great many others were called before this court, and imprisoned in Elgin tolbooth, and some of them fined, of which I cannot give the particulars, as Mark Maver, Donald Monro baxter in Elgin, John Montford chamberlain to Park, Jean Brodie, relict of Alexander Thomson merchant in Elgin, Christian Leslie daughter to Leslie of Aikenwall, Beatrix Brodie relict of Leslie of Aikenwall, and many others I cannot name, were put in prison; but king Charles' death falling in, the court rose, and they were liberate. Mr James Urquhart, Mr Alexander Dunbar, and some other ministers were sent south to prison, and continued in the Bass and Blackness. Mackenzie of Siddy, by virtue of a council warrant, did likewise persecute a great many honest people. Mr Hay, and others in the west end of this country, suffered by him, and he made an unhappy end, being killed by Coil M'Donald. I am, &c."

I return to the council proceedings. January 17th, "The council order the advocate to pursue the parishoners of Anworth,

for affronts done to their minister, and the parish of Carsphairn, for the murder of their minister by some skulking rebek." I know nothing anent the affront done to the minister of Anworth, and say no further about it. But the murder of Mr Peter Peirson at Carsphairn at the manse there, is a fact, whereof no just account, as far as I know, hath been yet given to the public; and this, with the murder of bishop Sharp, are generally charged upon presbyterians as proofs of their practising the hellish and Jesuitical principle of assassination. I have said enough already upon the first, and here I shall give a plain account of the matter of fact at Carsphairn, which I have from a gentleman of undoubted credit, who had the detail of this matter from the persons concerned in this wickedness, and another concurring narrative from John Matthison, a very judicious and worthy elder in the parish of Glencairn, lately dead, who had his information likewise from the persons present.

The regular and orthodox clergy, as they were now termed, in the southern shires, had various treatment from people in their parishes, in a proportion to their temper and management. The clamours made about the insults made upon them, with the acts of council thereanent, I have noticed upon the former book. It is certain, several of them, who were violent instigators of the persecution, and active informers of the persecutors, met with proportioned treatment, in itself uncivil and rude enough; but none I can hear of were wounded, far less murdered, as is given out, save this man at Carsphairn. Some notice hath been already taken of Mr Peirson's violent measures, and how serviceable he was to the laird of Lagg, and other violent oppressors of the people of Carsphairn, and in this he came, in his narrower sphere, the nearest the primate who met with the same fate, of any I have heard of. He was a surly ill-natured man, and horridly severe. Several of his brethren about the time of the society's declaration, had the caution to retire for a little; but he would needs brave it out. By the many murders in cold blood in the fields, and the severe commissions and orders given out against them, it is certain the wanderers were exasperated more than or-

dinarily. And I much suspect some of them were put upon the heights and extremities they ran to, by some wicked people who mixed themselves with them; and we shall meet with somewhat of this in the matter before us. Mr Peirson was an unmarried man, very blustering and bold, and used openly to provoke the poor people, by saying in public companies, 'He feared none of the whigs, nor any thing else but rats and mice.' He lived at the manse alone, without so much as a servant with him, and kept still a number of fire arms charged in his chamber. He was openly a favourer of popery, and gave shrewd enough signs of his being popishly inclined, by defending not a few of their peculiar tenets. One time in particular, in the house of James M'Virk, in the Holm of Dalquhairn, he defended purgatory openly, and some other such doctrines; and frequently, in public companies, he maintained that papists were much better subjects than presbyterians, and other positions abundantly irritating. He was a notorious informer and instigator to all the violences in that country. Those things I do not at all notice to vindicate the fact I am going to relate, for I abhor and detest it; but that the reader may know the true state of this matter, and what unwarrantable provocations this ill man gave. Those, with what preceded it, are so far from vindicating this attempt, that I do not so much as plead them as alleviations, but only narrate them as vouched matters of fact, which went before this attempt.

Towards the end of the last year, some few of the wanderers, who were upon their hiding in that neighbourhood, entered into a concert, with an express proviso of doing no harm to Mr Peirson's person, to meet together and essay to force him to give a written declaration, that he would forbear instigating their enemies, and other violent courses, and deter him from them in time to come, still expressly declaring they would do him no bodily harm. Accordingly there met at the house of John Clark in Muirbroke, three miles from the kirk of Carsphairn, James M'Michael fowler to the laird of Maxwellton, Roger Padzen in the parish of Sanquhar, Robert Mitchell in the parish of New Cumnock, William Herron

in the parish of Glencairn, and other accounts add, Watson, with 1685. some others; and one night having notice that Mr Peirson was at home, they came to the manse, and sent those named above to desire Mr Peirson to speak with some friends, who were to do him no harm. One account says, and it is not inconsistent with the other, that two of them who were sent, got in, and delivered the commission, which put Mr Peirson in a rage, and drawing a broad sword, and cocking a gun or pistol, he got betwixt them and the door; upon which they called, and M'Michael and Padzen came to the door, and knocked. The other account makes no mention of this circumstance, but says when they knocked at the door, Mr Peirson opened it himself, and with fury came out upon them with arms; and James M'Michael, as he said, laying his account with present death if he had not done it, resolved, if he could, to be before hand with him, and firing a pistol at him, shot him dead on the spot. The rest at some distance hearing a noise, came running up, crying, take no lives; but it was too late. However, they expressed their detestation of the fact, and separated from the four or five whom they had sent up. This account I have all reason to believe is true matter of fact, and I have candidly set it down as it comes from persons who were present, and may be depended upon.

The body of presbyterians are no manner of way concerned in it, and the wandering sufferers who bore arms, and distinguished themselves from the rest of the presbyterians through the nation, as soon as they heard of it, discharged any of the abovenamed persons to be admitted to any of their societies, and would not be in their company, which was all the testimony they could bear against what was done, and so this fact can no more be charged even on that party, than the personal faults on the other side can be laid to their door. I only remark further, that Mitchell, Herron, and M'Michael were all of them killed one way or other this year; Watson, if he be the same person we shall afterwards meet with, showed himself to be a spy sent in among the wanderers, and a tool of the other side, and Roger Padzen, when cast

1685. off by the rest, went in to the army, and in a very little time was taken on to be a dragoon in captain Strachan's troop, and by his after wicked carriage, made it very probable, that all the time he was among the wanderers, he was under pay, and informed their enemies of their haunts and lurking places. This is the fullest account I can give of this matter, and I make no question but the hand of Joab, and the influence of such villains as mixed themselves in among the people upon their hiding, had we full accounts, would be found to be in those things, that look worst, done by them.

To return to the registers, January 28th, the council direct a letter to those they had commissioned for Wigton and Kirkcudbright, about their processing such who had killed captain Urquhart, and some with him; I know no more about it than what is in the underwritten letter. It seems to have been some engagement some of the wanderers had with the captain and his party, wherein, it seems, the soldiers have been worsted. The letter runs. "Right honourable,—his majesty's privy council being certainly informed, that captain Urquhart hath been killed, and some others of his majesty's forces killed and wounded, by some desperate rebels in your bounds, who had the boldness to attack them, whereof three were taken alive and made prisoners. The council thinking it fit that justice may be done upon those notorious desperate rebels, upon the place, for greater terror and example to others, do therefore require you, immediately upon the receipt of this, to proceed and do justice on them according to your commission, you being first convened to this purpose by colonel James Douglas colonel of the foot-guards, whom we have added to your commission, and punish them according to law and your instructions. And where they shall be found guilty, you shall forthwith cause burn their houses and the materials thereof, and secure their goods for his majesty's use. And particularly if you find any of those rebels have been maliciously and wilfully reset at the houses of Star or Loch-head lying towards Kilrine and Craigmalloch, inquire into it. Your punctual and exact obedience is required.

"PERTH."

Upon the 3d of February the council make an act classing the prisoners, which will let us in a little to the way of their procedure at this time; and therefore I insert it. "The lords of his majesty's privy council resolve, that the prisoners in the several tolbooths, shall be classed as follows. Those already sentenced to the plantations for not taking the oath of allegiance, and will now take the test, be liberate. That those who are not sentenced, and will take the oath of allegiance be in another class, and liberate upon caution and enacting themselves to live regularly, and appear when called. That those who were in the rebellion, or will not disown the late treasonable declaration of war, be in a third class, and remitted to the justices. That those who refuse the allegiance, be libelled before the council in order to banishment. And in regard the prisons are already crowded and thronged with those who are already banished, and will not take the test, the said lords order them to be liberate upon caution, as follows, viz. the heritors above an hundred merks rent, upon caution to be found by the persons who shall transport them, under the penalty of a thousand merks, to take them off the kingdom betwixt and the first of May next. And in the mean time until the said day they shall live peaceably, and compear before the council if called, under the same penalty. And all others under the said rent, to be liberate, as said is, on caution for the penalty of five hundred merks Scots for ilk one of them."

I do not find that this act of council brought any great relief to the prisoners. However in pursuance of it, a committee is appointed to inspect the prisons of Edinburgh and Canongate, and their report follows in the registers. February 5th, "The council, having considered the report of their committee appointed to consider the case of the prisoners in Edinburgh and the Canongate, give order to liberate five or six who have taken the test, as likewise some others not banished who take the oath of allegiance. John Mossman in Caldermoor is remitted to the justices, in regard he will not abjure the late declaration of war, and in regard there is a seditious letter found with him. They ordain Quintin Dick and

Robert Sloss, fined by the commissioners at Ayr, and banished, Duncan Fergusson, John Kellie, Mr William Wisheart, Mr George Room, Alexander Heriot, John Wallet, John M'Almond, Andrew M'Kartney, and William Sprout, banished by the council, James Kirkwood, and Alexander Wallace, under sentence of death by the commissioners at Ayr, who all refuse the abjuration or test, to be sent to his majesty's plantations. And some others are to be processed in order to banishment. And others are referred to further examination."

But the king's death falling in to-morrow, altered their measures with many here named.

SECT. III.

Of king Charles his death, February 6th, the accession of his brother, with the more general procedure of the council, during the following part of this year.

THE great turn of affairs by the death of king Charles II. falls now in my way; and I shall give some short view of that, and the duke of York's accession, before I come to narrate what was done through this year, by our Scots council, under a popish king. A deep laid plot of hell and Rome, for overturning the religion and liberties of Britain and Ireland, and introducing popery and slavery, hath been making great advances now for many years: and ever since the duke of York had the management of things at court, in conjunction with French misses and pensioners, this design went on very fast. The English nation took the alarm, and roused themselves in brisk efforts to exclude the duke of York from succeeding; and more than once their noble attempts this way were crushed, as hath been noticed. When thus the succession of a papist is secured, the duke and his party turned uneasy that their bloody measures went so slowly on. In Scotland indeed every thing was carried as they would have it, and nothing was stuck at to weaken the reformed interest, destroy and banish the best protestants, and to pave the way for bare-faced popery. And this nation was so far sunk, that the opposition made to

those measures was very inconsiderable. It was not so in England, 1685. and therefore it was seasonable, not to say necessary, for that party, king Charles should die. Especially when the king's eyes began to open towards the beginning of this year, and it appears more than probable, he had resolved to alter his measures, and make himself easy all his life. The bill of exclusion had been stopped by the French court, who struck up a bargain to give more money upon refusing to pass the bill, than had been offered for a consent to it: and now that the duke's succession was safe, his uneasy temper began to discover itself; he was advancing in years, and there was no great prospect of his having any children, and all the hopes of the Roman Catholics centred in him, and no time was to be lost for ripening the grand and extensive work they had to do: therefore the duke's party at court lost no time, and concerted such measures, as, when the king came to smell them, effectually awakened him, but too late! Some changes were made. Lord Lucas had the important command of the tower given him, but enjoyed it not long. The manner of his death is not unknown; it was very sudden, and when the king heard of it, he said, 'God have mercy upon me, I may be the next.' In a very few days his death followed, February 6th, and that 'in such a manner, and such circumstances, as (to express it in the words of one of our sufferers) must remain a problem to posterity, whether he died a natural death, or was hastened to his grave by treachery.' This same excellent historian Dr Wellwood, in his memoirs, balances the facts and appearances upon both sides, and to him I shall refer the reader in this nice point, and only add here the account of it published by authority, London Gazette, No. 2006. "Whitehall, February 6th, 1684-5. On Monday last in the morning, our gracious sovereign king Charles II. was seized with a violent fit, by which his speech and senses were for some time taken from him, but, upon immediate applications, he recovered to such a condition, as gave some hopes of his recovery, till Wednesday night,

1685. at which time his disease returning upon him with greater violence, he expired this day about noon."*

Upon this the privy council met, and the duke of York is declared king. In the proclamation he is declared, 'by his brother's death, their only lawful, lineal, and rightful liege lord James II. to whom they acknowledge all faith and constant obedience.' A phrase, in my opinion, which needs an explication, before it can be well applied to any creature, much more by protestants to a professed papist. The new king, that same day, issues a proclamation, with a pretty singular parenthesis in it. 'All in places of trust under his brother, are continued in his princely wisdom and care of the state, (reserving to his own judgment hereafter, the reformation and redress of any abuses in misgovernment, upon due knowledge and examination there-

* *Character of Charles II. by Mr Fox, p. 62.*

His ambition was directed solely against his subjects, unprincipled, ungrateful, mean and treacherous, to which may be added vindictive and remorseless. I doubt whether a single instance can be produced of his having spared the life of any one, whom motives of policy or of revenge prompted him to destroy. Upon the whole Charles II. was a bad man and a bad king; let us not palliate his crimes; but neither let us adopt false or doubtful imputations, for the purpose of making him a monster.' To show that he was not altogether such, he takes notice of what he calls the best part of his character—his kindness towards his mistresses—his affection for his children, and others nearly connected with him by blood, and that he was gay and affable, and if incapable of the sentiments belonging to pride of a laudable sort—he was at least free from haughtiness and insolence.

Soon after the death of Charles II. there appeared a pamphlet entitled, "A true Relation of the late King's Death; to which are added, copies of two papers written by the late King Charles II. of blessed memory, found in the strong box." These papers are attested by his successor James II. in the following postscript: "This is a true copy of a paper I found in the late king my brother's strong box, written in his own hand. J. R." Assuming the genuineness of these papers, it is beyond all question that Charles received extreme unction on his deathbed, and died avowedly in the faith of Rome. He was attended by a priest of the name of Huddelston who seems to have been useful to him after his defeat at the battle of Worcester, and who suggested his retreat in the oak. A copy of these important documents is to be found in *Phoenix*, vol. I. No. 16, p. 567. I see no ground for questioning the fact that Charles died professedly a papist. If he ever had any religion, it was unquestionably the Roman Catholic. On its principles and in its false and persecuting spirit, he acted throughout; and he is canonized in its holy calendars.—*Ed.*

of.)' This reservation I leave to the reader to interpret; I can only do it from this prince's after-practice, from whence we may gather, that when the reformation and redress of a protestant kingdom is left to a popish prince's own judgment, it will be by raising a standing army of papists, reducing charters, corrupting of the universities, and other methods well known and felt under this reign.

At the first meeting with the privy council, the king made a declaration, which hath been more than once published, "That he will endeavour to follow his brother's example, especially in his clemency and tenderness to his people. He observes, that he (the king) was reported to be for arbitrary power, but that was not the only story made of him; that he would endeavour to preserve the government both in church and state, as it is now by law established; that he knows the principles of the Church of England are for monarchy, and its members have shown themselves good and loyal subjects, therefore he would always take care to support and defend it; that the laws of England are sufficient to make the king as great a monarch as he could wish; and as he will never depart from the just rights and prerogatives of the crown, so he will never invade any man's property; that he had often ventured his life in defence of the nation, and still would go as far as any man in preserving it in all its just liberties."

Those assurances, at the humble suit (so it was concerted) of the lords present, were made public; and how well they were kept, the historians of this reign do largely enough show us. And now when we have the infallible commentary of an after-practice, we may safely conclude all was calculated to gull and cheat the protestants of England. For the benefit of such as have not the Declaration by them, I have insert the words of it, on which this natural remark arises, that it appeareth in its very phrases and expressions, which are capable of more senses than one, to have been the model according to which the declarations of his pretended and attainted son are formed, which his party have spread since king George's happy accession to the throne. And all sincere protestants may easily conclude, that the

last professions are so much the less to be depended upon, than those of his father, by how much his obligations to those lands have been less, and his education more deeply jesuitical and tyrannical.

Besides this declaration, care was taken at London, that this king, popish as he was, should take the English coronation oath, but with what alterations and changes I will not take upon me to say. Firm protestants at this time had a violent suspicion of unfair dealing in this matter, and it was publicly asserted by the chief baron Aitkins, upon no meaner occasion than his administering the oaths to Sir William Ashurst lord mayor of London, 1693, "That as alterations were made by bishop Laud, in striking out those words which were a part of the old English coronation oath, 'That the king should consent to such laws as the people should choose,' when he crowned king Charles I. so at the coronation of the late king James II. there was much more struck out of the coronation oath, which might be well worth inquiring how it came about." I doubt not the chief baron had reason for what he said so publicly. Yea, the jest of his good inclinations towards the church of England and liberties of the nation, was carried so far in his speech to the parliament of that nation, and he and they were like to be so well for some time, that king James' friends over the water were brought to a stand, so that one of the prime ministers in France wrote over to the ambassador at London, June 29th, this year, in terms no lower than these. "The king's speech is of a strain that looks quite contrary to what we expected. The king (of France) can scarce believe there is any change in the affections of that prince, yet knows not what to make of that new manner of expressing himself on so public an occasion. If he and his parliament come to a cordial trust in one another, it may probably change all the measures we have been so long concerting for the glory of our monarch, and establishment of the catholic religion." But they were quickly eased of their fears, and fully satisfied of king James' good intentions. I must leave those things to the English historians.

That I may return to Scotland: February
IV.

10th, our managers have an express bearing the king's death, and a letter 1685. from the secretaries with the draught of a proclamation to be published immediately. The secretaries' letter I have inserted below,* and need not make remarks. On so extraordinary an occasion we see the suffering party are not forgot; and, it seems, the king's faithful servants at Edinburgh, cannot be entrusted with the form of the proclamation, but it is sent down from London. That same day February 10th, the council publish the proclamation, which is added at the foot of the page†. It is

* *Secretaries' letter to the council upon the king's death, Feb. 6th, 1685.*

Whitehall, Feb. 6th.

Right Honourable,

It having pleased God this day to call, to his eternal rest, his late majesty king Charles II. of ever blessed memory, we are, by his now majesty king James VII. (whom God long bless and prosper) commanded to give you notice thereof, and to send you his letter here inclosed, with a proclamation to be published as soon as conveniently can be, after your first meeting, of both which we send you the copies under this cover, and so need not trouble you with the repetition of the contents, not doubting but your lordships will take special care to see his majesty's royal pleasure, therein mentioned, soon and effectually put in execution. In the meanwhile we judge it our duties, to put your lordships in mind of proclaiming his said now majesty king James VII. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. with the solemnities, and in the most proper methods, on the like happy occasions accustomed, with all possible diligence after your meeting and before the publishing of the said proclamation. And although we are in great haste to despatch this packet, which is of so great importance to his majesty's service, and the well and happiness of that his ancient kingdom; yet we cannot but add, what we have further in command from his majesty, that in case there be any embargo, by you, laid upon ships from going to any place beyond sea, it is his pleasure, that the same be now taken off, but nevertheless, that all possible care be taken for searching all ships that shall arrive in any port of that kingdom from beyond sea, and that such passengers, as shall come over, may be secured, and not set at liberty until your lordships shall be fully informed and satisfied that they are guilty of no crime against the government, either in church or state, as now established by law in any of his majesty's dominions.

To the right honourable, } Right honourable, &c.
Earl of Perth lord high } MURRAY.
Chancellor. } DRUMMOND.

† *Proclamation, king James VII. Edinburgh, Feb. 10th, 1685.*

The earl of Perth lord high chancellor.

The lord archbishop of St Andrews.

The duke of Queensberry lord high treasurer.

1685. singular enough, yet I need not make many remarks upon it. Their compliments run so high upon the late king,

The lord archbishop of Glasgow.
 The lord marquis of Athole lord privy seal.
 The lord duke of Hamilton.
 The lord marquis of Douglas.
 The earl of Drumlanrig.
 The earl of Winton,
 The earl of Linlithgow lord justice general.
 The earl of Southesk, L. Advocate.
 The earl of Paumure, L. Justice-clerk.
 The earl of Tweeddale, L. Castle-hill.
 The earl of Balcarraz, Gen. lieut. Drummond
 The lord Yester, Drumsalzier.
 The lord Kinnaird, Abbotshall.
 L. Register, Gossford.
 L. President of the session.
 Colonel Graham of Claverhouse.

Forasmuch as it hath pleased the almighty God to call Charles II. our late sovereign lord of glorious and ever blessed memory, from a temporary crown, to inherit an eternal in the heavens; whereby the undoubted right of succession to him, in the imperial crown of this realm, was immediately devolved on the sacred person of his royal and dearest brother, our present sacred sovereign (whom God long preserve) therefore we, the lords of his majesty's privy council, authorized in that capacity, by his majesty's royal letter, bearing date, at Whitehall the sixth day of February instant, do, with the concurrence of several other lords spiritual and temporal, barons, and burgesses of this realm, hereby declare and proclaim to all the world, that our sovereign lord James VII. is, by lawful and undoubted succession and descent, king of Scotland, England, France, and Ireland, and the dominions thereunto belonging, defender of the faith, &c. (whom God preserve and bless with a long, glorious, happy life, and prosperous reign) and whom we shall humbly obey, dutifully and faithfully serve, maintain and defend, with our lives and fortunes against all deadly, as our only righteous king and sovereign, over all persons, and in all causes, as holding his imperial crown from God alone. And, for testification whereof, we here, in presence of the almighty God, and a great number of his majesty's faithful people, of all estates and qualities, who are assisting with us at this solemn publication of our due, humble, and faithful acknowledgment of his supreme sovereign authority at the market-cross of the city of Edinburgh, declare and publish, that our said sovereign lord, by the goodness and providence of almighty God, is of Scotland, England, France and Ireland, and dominions thereunto belonging, the most potent, mighty, and undoubted king. And hereby give our oaths, with uplifted hands, that we shall bear true and faithful allegiance unto our said sacred sovereign James VII. king of Great Britain, France, and Ireland, defender of the faith, &c. and to his lawful heirs and successors, and shall perform all duties, service and obedience to him, as becomes his faithful, loyal, and dutiful subjects. So help us God.

Per actum Dominorum secreti Concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save king James VII.

as to place him assuredly in heaven.* And to the present king, after a recognition of his title by an order from himself, they take an oath of allegiance and supremacy in the very proclamation, and involve all present with themselves in those. Those methods are new; only I am of opinion, the prelatic hierarchy in Scotland is now at its right fountain, when owning the absolute supremacy of a papist. I shall only notice further, that in the registers after this and the proclamation, the chancellor stands before the archbishop of St Andrews. In the afternoon the council, after they had taken the oaths, write a most loyal letter to the king. And February 12th, they send up the earl of Drumlanark† to congratulate the king upon his accession, and condole the death of his brother. I have before me the congratulatory address of the town of Edinburgh upon this occasion, with the king's answer. Both are, in my opinion, so flat that they need not be preserved in this collection.

It is more worth while to notice, that our managers at Edinburgh took no care to have the king taking our Scots coronation oath. For any thing I know, he might have swallowed it as well as the English.

* In Walwood's memoirs, p. 191. there is a translation of some inscriptions of the most fulsome, and even blasphemous kind by the Jesuits on the accession of James, and death of his brother Charles—as thus, 'English noblemen were sent to other kings to acquaint them with king James' accession to the crown: but Charles was the first that brought the news of it to heaven. It was but natural for kings to send and receive princes as ambassadors, but it became the Almighty to receive, and James to send no ambassador but a king.—*Ed.*

† This was James afterwards second duke of Queensberry. His character is drawn thus in Carstairs' state papers, p. 96. "This nobleman commanded a regt. of horse at the Revolution; when he left king James at the same time with the duke of Ormond, and joined the prince of Orange, who made him a gentleman of his bed chamber and captain of the Scottish troop of guards. Towards the end of king William's reign, he had the garter, was made secretary of state for Scotland, and commissioner to the parliament of that kingdom. Upon queen Anne's accession, he was much in favour, and continued in both these employments—but was at one time discharged of all his employments—he was restored not long after; was commissioner of the last Scottish parliament, and had the chief hand in accomplishing the union of the two kingdoms. He is a nobleman of fine natural dispositions, of easy access, has a genteel address, and much the manner of a man of quality.—*Ed.*

His loyal servants here did not give him the trouble of it, either as being entirely satisfied with the king's good intentions, or willing to go along with his designs be what they would. The loss was not very great to Scotland, since his religion, which led him to keep no faith with heretics, con'^{ts} have furnished him with a dispensation from his oath, though he had taken it. However, his never taking any coronation oath for Scotland, made a good many question his right and title to govern, and reckon him, abstracting from his religion, which by our fundamental laws incapacitates him to rule, king *de facto*, but never *de jure*. Yea, this made his forfeiture very easy to our convention of estates, April 11th 1689, and they very justly declare and find, that, "Whereas he being a professed papist, did assume the regal power, and acted as king, without ever taking the oath required by law, whereby the king at his access to the government is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws; and did, by advice of wicked and evil counsellors, invade the fundamental constitution of the kingdom, and altered it from a legal limited monarchy, to a despotic power, &c. and hath exercised the same to the subversion of the protestant religion, and liberties of the kingdom, inverting all the ends of government, that by all this he hath forfeited the right to the crown, and the throne is become vacant." Plain it is then, that in Scotland we needed not concern ourselves with the debates our neighbours had about abdication; as in England he was found to have abdicated, so in Scotland, being a professed papist, and never having taken the coronation oath, he was found to have assumed the regal power, and only to have acted as a king, and by our Scots law he was never king *de jure*. Thus the wicked were snared in the work of their own hands. His servants in Scotland, for so I may call them, being entirely at his disposal, even under his brother's reign, projected to please their master, and unhinge our constitution, by waving the king's taking the coronation oath, and huddling over this important matter, made so plainly necessary by our

fundamental laws, and hereby they framed the net wherein he was ^{1685.} taken, and laid the foundation for a process of treason against themselves, had they been dealt by as they dealt with others, as well as of the throne's being declared vacant.

And since I am fallen in upon rights and titles, the reader will permit me to remark, as a consequent of what is above, that our excellent sovereign king George had a legal undoubted right and title to the kingdom of Scotland, in case of Queen Anne's demise, even antecedently to the union of Scotland and England, and comes in by the laws of Scotland, whereby all papists are excluded upon the queen's decease, as our only rightful and lawful king, upon his taking the coronation oath, as king William and queen Mary did upon king James' forfeiture and abdication, and succeeds upon that same revolution and parliamentary foot and bottom, upon which queen Anne succeeded upon the demise of queen Mary and king William. And as none, who own the revolution, can in the least hesitate upon his most excellent majesty, his royal highness the prince of Wales, and their issue, their right and title, so happily recognised and fixed by the explicit declarations of the separate parliaments of both kingdoms, upon foundations preceding the treaty then in view; so nobody who considereth matters, can have any difficulty to believe and declare, that the attainted Pretender hath no right or title whatsoever to those realms; and to be sure, no Scotsman who values our reformation, liberty, and unalterable constitution confirmed by so many laws and oaths can set up for that nursing of popery and tyranny. If his pretended father never had any legal right, if the throne by our law was in a manner vacant during his assumption of the royal power, if by being a professed papist, and not taking the coronation oath, whereby the mutual relation betwixt sovereign and subject is fixed, the father had no right, where in all the world can the title be acclaimed by his pretended son, not only a professed, but nicely educated, and carefully confirmed and bigotted papist? nothing certainly can make a Scotsman, and much more a Scots

1685. protestant, fond of this son of Rome, and nursling of the late French tyrant, with a view to his grand project of the universal monarchy, but plain infatuation, and strong delusions for not receiving the love of the truth. Our present circumstances (November 1715,) made this natural remark, from this matter of fact, offering itself in the detail of this history, appear necessary at this juncture.

To return again to the proper subject of this history, king James after his accession to the throne, continued all the civil and military officers in their posts for some time, and no other could be expected, since they were, generally speaking, of the duke of York's faction in his brother's time, and matters went on much in the former channel; the public management, especially as to the persecution, having been now for a good while in the hands of the duke's servants, and such who were papists or favourers of them; and the presbyterians, as we heard, found this sensibly.

When the council is thus allowed to act by their new king, let me give some narrative of their procedure this year. It is only their general actings I'll reach in this section, and shall reserve what relates to particular persons to the following, and several of their actings will come in upon their proper subjects in the following sections. We see they begin their persecution very soon, or rather just go forward with it.

February 12th, the following letter is directed by them to the earl of Carnwath for Clydesdale, Glencairn for Renfrew, lord Bargeny for Ayr, the laird of Orbiston for Dumbarton and Stirling, earl of Annandale for Nithsdale and Annandale, the viscount of Kenmuir for Wigton and Kirkcudbright, lord Jedburgh for Teviotdale and Jedburgh, laird of Hayning for Selkirk, earl of Hume for Berwick, and laird of Blackbarony for Peebles. "It having pleased Almighty God, to call from this temporal life to his immortal glory, our late dread sovereign, his present majesty king James VII. having by his royal proclamation allowed all his judges and officers to act as formerly, until they receive new commissions, the lords of his majesty's privy council have ordered us to signify to you, that you continue to act by

virtue of your former commission in all points.

"WILLIAM PATERSON, COL. MACKENZIE."

The letter to Carnwath bears thanks to him, and lieutenant-colonel Buchan, for their activity against rebels lately in arms. And February 13th, the council record their thanks to those for defeating eighty rebels in arms, and killing one of them, and sending in three prisoners under a guard. And February 10th the council order all passes, given according to their act December 13th last, to have this clause added in the oath of abjuration. "I do solemnly swear not to take up arms against the king, or any commissioned by him;" and that the passes be reprinted with this addition. That same day the sheriff of Dumfries is appointed to convene the shire, and provide for the garrison of Blackwood. I imagine that ought to be the sheriff of Lanark.

February 26th, The following letter is written to the council commissioners. "Right honourable,—his majesty's privy council are well satisfied with the accounts they have of your procedure in prosecuting the commission and instructions given by them to you; and finding it fit for his majesty's service in the present juncture, that you vigorously prosecute what remains by you undone, and particularly those instructions relating to the justiciary part of your commission, have recommended for that end, that you meet with all diligence, and give over keeping particular meetings, until the whole business intrusted to you be perfected; and as to the prisoners now in your hands, you are forthwith to proceed against them according to law, and report."

To give the country a good idea of the new king at his entry to the exercise of the government, an indemnity is published at Edinburgh, very narrow and limited. We have heard, that somewhat of this nature had been upon the file since last year about this time. It bears date February 26th, and is published March 2d. The name of an indemnity was enough to fill people's mouths with encomiums of the tenderness, lenity, and what not of the king's reign; but it was so clogged, that the common

people could receive very little ease; and the improvements made upon it in the favours of a popish king, could make few proselytes, being flatly contradicted by experience, and the daily barbarities of those who bore his commission. The copy of this indemnity, such as it was, the reader will find in the note below,* and I need

* *King's indemnity, February 28th, and March 2d, 1685.*

James R.

James VII. by the grace of God, king of Scotland, England, France, and Ireland, Defender of the Faith, &c. To all and sundry our good subjects, whom these presents do, or may concern, greeting: we taking into our royal consideration, that notwithstanding the prudence, justice, and unparalleled clemency, which did ever accompany the government of our most dear, and most entirely beloved brother, king Charles II. of ever blessed memory, several wicked and seditious subjects, did break out into open rebellions and conspiracies, against his sacred person and government. And albeit, God did on all occasions manifest his wrath against them and their enterprises, so as their designs were defeated, and several of their persons brought to condign and just punishment, yet some few of them were either so malicious or foolish, as to be ensnared by others to persevere in their hellish principles and practices, both in defiance of all law and justice, and in open contempt of the reiterated pardons, published and offered by his said late majesty. And now our royal prudence, and the care of our people obliging us to take full information of the chief movers, and most active instruments in these pernicious commotions, before we determine our royal pleasure concerning them, which we hope to attain in a very short time; yet as a demonstration of our innate clemency, (which also has shined in the whole line of our royal race) and of our resolution to imitate the glorious example of our said dearest royal brother, we have resolved to pardon: likewise, we do hereby pardon, indemnify, and forgive all our subjects in our ancient kingdom of Scotland, under, and below the degree of heritors, liferenters, wadsetters, burgesses of burghs royal, and vagrant preachers, of all rebellions, treasons, seditions, insurrections, reset, intercommuning, fire-raising, robberies, slaughters, free quarters, leasing-making, concealing of treason, and of all crimes in general committed by them, or any one of them, by word, writ, or deeds, against our government and the laws of our kingdom, in any time preceding the date of this our royal proclamation. Declaring hereby all and every one of them free and secure from all punishments, or trouble for the same, either in their persons or goods, in all time coming. Excepting only as to such fines, for which already sentences are pronounced: and likewise excepting from this our gracious pardon, all those who are guilty of the assassination of James late archbishop of St Andrews, Peirson minister at Carephairn, Thomas Kennoway, and Duncan Stuart. And we do hereby declare our royal will and pleasure, that this act of indemnity and pardon, shall be extended to all who are at present declared fugitives, providing these fugitives make address

make but few remarks upon it, after what is already set down in this history. It is so narrow, that it scarce deserves its name, and very much agrees with the nature of those favours protestant subjects may expect from a popish prince. The king is made to commend his brother's clemency, as what aggravated what is now called rebellion. I am apt enough to suppose, that king Charles's government might have been much more easy than it was, had it not been for the duke and bishops; but the virulence of the high-flying prelatists, who really in some things go beyond the more moderate papists, with the violent measures of the furious and bigotted party,

within twenty days after the publication hereof, to our privy council, our justice-court, or any of our sheriffs in our said kingdom, testifying their acceptance of this our pardon, by taking the oath of allegiance, or otherwise finding caution to transport themselves out of our three dominions of Scotland, England, and Ireland, before the twentieth day of May next, ensuing the date of these presents, and to live peaceably after the said publication, until they shall transport themselves, and never to return to any part or place of our said dominions, without a licence from us, or our privy council aforesaid, under pain of death. And we do command, that this our pardon and indemnity be applied and understood in the most ample sense and meaning, whereof the words are capable, and that no person included therein be troubled or molested, for any cause aforesaid in judgment, or out with the same in any time hereafter. And lastly, to the end all our good subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, to make timeous proclamation hereof, at the market-cross of Edinburgh.

Given at our court at Whitehall, the twenty sixth of February, 1684-5, and of our reign the first year.

By his majesty's command,

JOHN DRUMMOND.

Edinburgh, the second day of March, 1685.

The lords of his majesty's privy council ordain his majesty's gracious indemnity above-written, to be published at the market-cross of Edinburgh, with the usual and accustomed solemnities; and thereafter ordain the same to be printed, and published at the whole market-crosses of the head burghs of the shires of this kingdom, and other places needful, by the several sheriffs, and others concerned; and recommend to the archbishops and bishops, to cause their several ministers read from the pulpit on a Lord's day, after divine service, his majesty's said gracious indemnity, that all persons concerned may have notice of the same.

COL. MACKENZIE, Cl. Secr. Concilii.

God save the King.

headed by the jesuits and the duke, 1685. forced the late king to courses and extremities perhaps otherwise he would not have gone to. And as a pretext to clog the indemnity as much as might be, the king declares, "that prudence and his care of his people oblige him to inform himself of the chief movers and instruments of the present commotions." These are scored off and excepted from the indemnity, and to bear them company, all heritors, liferenters, wadsetters, burgesses, and vagrant preachers, so very few remain, save tradesmen, and tenants in the country, cottars, and vagrant beggars, to participate of this demonstration of the innate clemency of his majesty, which, he is made to add, hath shined in the whole line of his royal race, witness the compassion shown in the matter of the palatinate, to their own flesh, and the Irish massacre, with the procedure these twenty years and upwards since the high commission. This indemnity seems to have been chiefly for treason, &c. against the king's government, which is but three weeks old or thereby, unless what followed, and the laws of our kingdom extend it further. In short, all who have any benefit by it, are to be so loaded with oaths, that, for what I can learn, very few pleaded it. The ordinary exception of the murderers of the archbishop is continued, and those of Mr Pierson minister at Carsphairn, Kennoway, and Stuart, are now classed with them.

March 2d, the king's letter is read, desiring the lord chancellor and treasurer to come up to court about matters of great importance, and requiring the counsellors to continue at Edinburgh, but allowing them, upon any emergency, to permit the officers of the army to go to the country. March 6th, the advocate is ordered to process the heritors of Irongray, for an abuse committed upon their minister; I know no more about it. And the commissioners of the shire of Lanark are appointed to meet, and call together the militia, and fine the absents.

A letter from the king is read March 8th, which deserves a room here. "Right trusty, &c. Our dearest royal brother, of ever blessed memory, having upon a letter

from you, dated September 27th last, empowered his advocate to refer to the oaths of such as should be pursued for conspiracies, reset, or intercommuning, or accession, to those crimes in so far as their guilt might infer an arbitrary punishment, and pecuniary mulct; which being only to continue till the first of April next, we finding it expedient, very useful for detecting crimes already committed and deterring others from entering to such combinations, do therefore renew the said warrant, with those alterations and additions only, that this our warrant shall extend to concealing of treasons, as well as to the other crimes therein specified; and that the said power shall be extended to such as derive commissions from you, and shall continue till the sitting of our parliament, approving what is done by you, or any who had power from you. *Whitehall, March 3d.*

"DRUMMOND."

Observations have been already made upon this power given to the advocate, and this letter is designed to prelimit the parliament in the processes to be before them, when they meet, March 14th. "The council order all the commons, liberate by the indemnity, to be passed, if they take the abjuration, even though under sentence of banishment. But such as refuse to swear the clause not to rise in arms, are to be detained as having committed a new crime, and against whom the government can have no security. They order likewise all prisoners, even heritors, imprisoned for not taking the allegiance, to be liberate upon their taking the test. And all women imprisoned for reset and converse, or wicked principles, are to be liberate on their taking the abjuration." This day several renounce their being heritors, plead the indemnity, and are liberate.

March 24th, "The lords of council being informed that a number of desperate rebels in arms hath gone through the shire of Ayr, and no notice is taken of them, colonel Douglas, or the commanders of the garrisons, are empowered immediately to punish the commons who did not inform against them, according to law, and to take bonds of the heritors on whose ground they ap-

peared, to compear before the council in April." These termed desperate rebels, now going up and down, were only a few of Mr Renwick's followers, coming and going to his sermons in arms. However a handle is made of every thing for establishing new courts, and harassing the west and south. So, March 27th, a commission with a justiciary power is granted to colonel James Douglas, and others he deputes, in high terms. It is annexed,* as a note below.

** Commission to Colonel Douglas, March 27th, 1685.*

James, by the grace of God, &c. greeting. Forasmuch as we and the lords of our privy council, understanding that the insolence and numbers of some desperate rebels, skulking up and down in some southern and western shires, do daily increase through supine negligence of these sheriffs and other magistrates, who ought to expel them, and the reset and harbour they have had from others; and we being fully resolved as to extirpate these rebels, so to put our laws in execution against these sheriffs and other magistrates, who have not done their duty, and against such as have, do, or shall reset, entertain, or correspond with any rebels, vagrant, or skulking persons, who can give no good account of themselves, and have not given intelligence of them and their haunts timeously, have therefore thought fit, with advice of our privy council, to commissionate; likewise, we do hereby make and constitute, our trusty and well beloved counsellor, colonel James Douglas, colonel of our regiment of guards, to be our justice in all the southern and western shires, to the effect underwritten; with full power to him to call courts at such times and places as he shall find expedient, and then and there to create clerk, sergeants, dempeters, and other members of court needful, to call assizers and witnesses necessary, absents to amerciate, unlaws and amerciements to uplift and exact; and if he find any persons, heritors or others, guilty of reset, harbouring, or entertaining or corresponding with rebels, that he cause justice forthwith to be done upon them, conform to the laws and acts of parliament of this kingdom; with power also to the said colonel James Douglas, to call and convene before him all persons, whether heritors or commoners, upon whose ground rebels have appeared, and no intelligence or advertisement thereof given, and to proceed and punish them conform to the laws of this our realm; and particularly conform to a proclamation of our council, dated the day of And to the effect these desperate rebels may be absolutely reduced and expelled forth of this kingdom, we hereby empower you our commissioner foresaid, to call to your assistance, all magistrates, heritors, officers, and soldiers of our standing forces, and of our militia upon the place, and under your command, and all fencible men within these shires, as you shall have occasion, conform to the instructions formerly given, who are hereby strictly required and commanded to rise, concur with, fortify, and assist you, and obey your orders, as they will answer the contrary upon their allegiance; and generally you are to do all

No observes on it are needful, after what of this kind we have met with ¹⁶⁸⁵ formerly. And April 16th, a proclamation is issued, ordering the soldiers to pay what

and every thing which may conduce to our service, and the peace of the kingdom. And to the effect you may be assisted in the prosecution of our commission aforesaid, to the hail ends and purposes above-mentioned, by able, loyal, and qualified persons, we, with advice of the said lords, do hereby authorise, empower, and command the persons underwritten, *ic.* John earl of Carnwath, William Hamilton of Orbiston, Cromwel Lockhart of Lee, John Johnston provost of Glasgow, James Lundle of Stratharly, Somerwel of Spittle sheriff-depute of Lanark, William Hamilton of Barnclough baille-depute of the regality of Hamilton, and William Stirling, baille-depute of the regality of Glasgow, all in the sheriffdom of Lanark; the earl of Glencairn, the lord Cochran, the lord Ross, the said William Hamilton of Orbiston,

Houston younger of that ilk, John Shaw younger of Greenock, and Sir Archibald Stuart of Blackhall, all in the shire of Renfrew; John lord Bargeny, Sir Blair of that ilk, Sir Archibald Kennedy of Collzean, Sir William Wallace of Craigie, Hugh Cathcart of Carleton, and Robert Hunter provost of Ayr, all in the shire of Ayr; the said William Hamilton of Orbiston,

of Luss, major George Arnot lieutenant-governor of the castle of Dumbarton, of Ardincaple, John Graham of Dougalston, the earl of Mar, his sheriff-depute in the shire of Stirling, all in the shires of Dumbarton and Stirling; the earl of Annandale, Sir Robert Dalziel of Glenae, Sir Robert Grierson of Lagg, Sir James Johnston of Westerlaw, Thomas Kilpatrick of Clossburn, and Robert Lawrie of Maxwellton, in the shire of Nithdale, and stewartry of Annandale; the viscount of Kenmuir, the said Robert Grierson of Lagg, Sir David Duubar of Baldoon, Sir Godfrey M'Culloch of Mireton, and Mr David Graham sheriff of Galloway, in the shire of Wigton, and stewartry of Kircudbright; the lord Jedburgh, lord Cranston, M'Dougal

of Mackerston, Sir William Douglas of Cavers, Sir William Ker of Greenhead, Sir William Elliot of Stoba, and William Ker of Chatto, all in the shire of Teviotdale; John Riddel of Hayning, Sir Francis Scot of Thirlstone, Thomas Scot of Whitesdale, Sir Robert Pringle of Stichel, Plumber of Middlestead,

and James Murray younger of Deuchar, in the shire of Selkirk; Sir Archibald Cockburn of Lanton, Sir James Cockburn of that ilk,

Hume of Linthill, Hume of Nineholes, the earl of Hume, and Mr Charles Hume of Ayton, for the shire of Berwick; Sir Archibald Murray of Blackbarony, David Murray of Stenhope, James Naismith of Posso, James Geddes of Kirkhurd, Richard Murray of Spittle-haugh, and William Horseburgh of that ilk, all in the shire of Peebles; and Captain John Dalziel, captain John Strachan, captain John Inglis, Captain William Cleland, captain Alexander Bruce, captain-lieutenant Thomas Windram, lieutenant James Murray, lieutenant Livingstone, lieutenant John Crichton, lieutenant Lauder, cornet James Dundas, Bailie, and James, cornets, all

they take on in their quarters. But
1685. this was of little use, because there was none to execute it.

The council send west lieutenant-general Drummond, April 25th, to harass the west and south, and that only for pretended reset and converse, when no other thing could be laid to their charge. His powers are very large, as appears by his commission, the tenor whereof follows. "James, by the grace of God, &c. greeting. Forasmuch as, notwithstanding of all the endeavours used by us, for suppressing and punishing rebels, fugitives, vagrant, and skulking persons, who disturb our government, and peace and quiet of our good and loyal subjects, in the southern and western shires; yet, by reason of the reset, supply, and harbour which they have, and is afforded from some persons disaffected to our government in these shires, their number and insolence still increases; and when any of our forces do march in search of them, as they draw together in companies and bodies, nevertheless they dissipate and evanish, and are hid, sheltered, and maintained privately in the houses of wicked and disloyal people, without being pursued, expelled, or intelligence given of them, conform to our laws, and proclamation of the date of the day of , to the high and manifest contempt of our authority, and affront of our government: and we being resolved to extirpate such rebels, fugitives, skulking, and vagrant persons, as disturb the peace and quiet of our government, and to punish severely, conform to

officers of our standing forces, to concur with you when present, and in your absence, any three of them, to follow such directions and instructions as they shall from you receive, from time to time; it being always but prejudice to such of the said persons as were formerly commissionate in the said shires, to act, do, and perform every manner of way, conform to the former commissions and instructions given them by our privy council, except where you judge necessary to alter the same; for doing all which, this shall be to you and them a sufficient warrant and exoneration: and this our commission to you and them, we declare is to endure in full force, until the twentieth day of April next, unless the same be further prolonged, or recalled.

Given at Edinburgh, the twenty seventh day of March, one thousand six hundred eighty and five, and of our reign the first year.

Subscribed *ut sederunt*, except CLAYRHOUSE.

the prescript of our laws and proclamations, all such persons, whether magistrates, heritors, or others, as have been negligent in their duty foresaid, have therefore thought fit, with advice of our privy council, to commissionate; likeas, we do hereby make and constitute our trusty and well-beloved counsellor, general-lieutenant Drummond, master general of our ordnance, to be our commissioner and justice in all the southern and western shires, to the effect underwritten; with power to him to call and hold courts, at such times and places as he shall think expedient; and there to create clerks, sergeants, dempsters, and all other members of court needful, to call assizers and witnesses, absents to amerciate, unlaws and amerciements to uplift and exact; and if he finds any persons, heritors, or others, guilty of reset, harbour, and intercommuning, or corresponding with rebels, that he cause justice to be done forthwith upon them, conform to the laws and acts of parliament of this our realm; with power also to our said commissioner, to call and convene before him all persons, whether heritors or commissioners, upon whose ground rebels have appeared, and no intelligence nor advertisement thereof given, and to proceed against and punish them, according to the laws of this our realm, and particularly conform to the foresaid proclamation, of the date and to the effect these desperate rebels may be totally reduced and expelled forth of this kingdom, we hereby fully empower you our commissioner foresaid, to call to your assistance all magistrates, heritors, officers of our standing forces, and of our militia on the place, and all fencible men within the said shires, from time to time, as you shall have occasion, conform to your instructions; and particularly you are to take under your command, those highlanders now to be employed in our service, who all are hereby strictly required and commanded to march, concur with, fortify, and assist you in this our service, and obey your order, as they will answer the contrary on their allegiance: and generally you are to do all and every other thing which may conduce to our service, and the peace and tranquillity of this our realm: for doing all which this shall be to you and them and al

others concerned, a sufficient warrant, and to continue and endure in full force, until the first day of June next, in case the same be not sooner recalled. And further, we hereby declare all former commissions granted by us or our privy council, for trying or punishing the said crimes in the country, either to noblemen, gentlemen, or officers of our army, to be void and extinct. Given under our signet at Edinburgh, the twenty first day of April, 1685, and of our reign the first year.

Queensberry, commissioner,
Perth, cancel.
Arch. St Andrews,
Alexander, Glasguen.
Hamilton,
Douglas,
Drumlanark
Errol,
Marishal,
Mar,
Glencairn,
Linlithgow.

W. Dumfries,
Southesk,
Panmure,
Tweeddale,
Kintore,
Livingstone,
Yester,
Jam. Falconer,
Jam. Fowles,
J. Lockhart,
Will. Hay,

At the same time they give him the following instructions.

Instructions to general-lieutenant Drummond, in prosecution of a commission given to him by his majesty's high commissioner, and lords of privy council, of the date hereof, for marching to the southern and western shires.

Edinburgh, 21st April, 1685.

"1mo. You are to employ all his majesty's standing forces in the southern and western shires, or so many of them as you shall find expedient, for pursuing, suppressing, and utterly destroying all such fugitive rebels as resist and disturb the peace and quiet of his majesty's government, and his loyal subjects; and you are to cause immediately shoot such of them to death, as you find actually in arms.

"2do. You shall give order to apprehend all persons suspect for harbourers or reseters of rebels, and fugitive vagabonds, and punish such as you find guilty, according to law.

"3tio. You are to cause examine in every parish where you shall think fit, who of them hath not taken the late oath of abjuration, or are guilty of withdrawing from the church, or other irregularities, and punish them accordingly.

"4to. You are hereby warranted and authorised to take free quarters for 1685. all under your command, (they not being of his majesty's forces,) in all places and parishes where rebels, fugitives, and vagabonds are suspect to be harboured, reset, and connived at, and from whence no intelligence of them has been given to the officers of the army, or magistrates.

"5to. If any fugitives or rebels make application to you for the king's mercy, or supplicate for the benefit of his majesty's gracious indemnity, (even after the time thereby allowed is elapsed,) you are to transmit such addresses to his majesty's high commissioner, and to the council, and to allow them safe conducts until you receive their pleasure.

"6to. If any proposals be made by the heritors in the said shires, for securing the peace of the respective shires, to the end the present burden of quartering may be taken off them, you are to receive and report the same, as above said.

"And lastly, and generally, you are to do every thing for securing the peace, and promoting the interest and advantage of his majesty's government, as you shall judge convenient."

Queensberry, commissioner,
Perth, cancel.
Arch. St Andrews,
Alexander, Glasguen.
Hamilton,
Douglas,
Drumlanark,
Errol,
Marishal,
Mar,
Glencairn,

Linlithgow,
W. Dumfries,
Southesk,
Panmure,
Tweeddale,
Kintore,
Livingstone,
Dav. Falconer,
Jam. Fowles,
J. Lockhart,
Will. Hay.

I stay not on remarks upon the severity of those, now under a popish reign. The earl of Argyle's attempt gave the lieutenant-general and managers other work for some time. However, by virtue of this and other commissions, the west and south were sorely harassed this year.

May 25th, "The lords of his majesty's privy council, being this day certainly informed, that there was a considerable meeting of persons hearing that supposed preacher, (a disturber of the peace and of all honest men,) Mr James Renwick, between the Kings-hill and Durmond, upon the borders of Carluke, and Cambusnethan

1685. parishes in Clydesdale, where there were an hundred armed men, who were exercised betwixt sun-rising and eight of the clock in the morning, upon Friday last, and then after sermon began again, and continued the rest of the day. At which meeting there were several persons made their repentance for their offences, in taking the oath of abjuration, the test, and hearing and communicating with indulged ministers; and so were by him received into their society, and some were delayed to a new occasion, their offences being many." The council send a copy of their information to my lord Carmichael, with a letter desiring him to inquire into it, examine, and call all suspect persons to an account, and report. They add, that if Argyle take the main land, it is probable he may fix in Carrick, and therefore desire my lord may endeavour to keep the country in peace, and send intelligence, and secure the arms and horses of all suspect persons.

July 14th, the magistrates of Glasgow present a petition to the council, showing, "that their tolbooth is pestered with many silly old women, who are a great charge to the town. The council order them to be whipped and burnt on the cheek severely, who are guilty of reset and converse, and such as are guilty of ill principles, that they be whipped and all dismissed."

That same day the lord Carmichael is appointed to inquire into a conventicle held in the confines of the parish of Carluke, where there were some in arms on Monday last, and report with all speed. And upon the last of July they gave commission to the lord marquis of Douglas, earl of Winton, earl of Linlithgow, viscount of Tarbet, lord Livingstone, lord Yester, general Dalziel, advocate, lieutenant-general Drummond, Abbotshall, Drumelzier, Gosford, Sir William Bruce, or any three of them, to be a committee for public affairs in the intervals of council.

A proclamation is published August 11th, discharging all to meddle with the goods and gear of forfeited persons, the tenor whereof follows. "James, by the grace of God, &c. greeting. Forasmuch as we, notwithstanding that several persons do at their own hand, intromit with the goods

and gear of these rebels lately forfeited by our parliament and justice-court, and others, fugitives and rebels from our laws, and more especially cut and destroy the wood, trees, plantings, and orchards of the lands lately belonging to them, in high contempt of our authority, and to our enorm prejudice, these lands being annexed to the imperial crown of this our ancient kingdom; and we being resolved, that the former transgressors, as well as these who may hereafter be guilty of the said crimes, may be brought to condign punishment, do, with advice of our privy council, hereby strictly require and command all our sheriffs and other magistrates, within whose jurisdictions the foresaid abuse and crimes have been committed, to make strict inquiry and trial anent the delinquents, and sentence and punish them as well for their bygone guilt aforesaid, as what may be done by them or any others in time coming, according to our laws and proclamations, as committers of theft, and for reset of theft, certifying hereby our said sheriffs and other magistrates, that if they fail in their duty herein, they themselves shall be liable, for concealing, to the same pains or penalties which might have been, or may be incurred by the said transgressors, besides being otherwise punished as our council shall think fit: and for encouragement of such as shall any wise discover either the negligence, tolerance, or connivance of our said magistrates, or the transgressors, so as they may be found guilty by sentence, we hereby declare, that these informers and discoverers shall have for their reward the one half of their fines, the other half thereof being to be paid to our cash-keeper for our use. And that our pleasure in the premises may be known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and all the other market-crosses of the head burghs of the shires of this kingdom, and there, by open proclamation, in our royal name and authority, make publication of our pleasure in the premises, that all persons concerned may have notice thereof, and give obedience accordingly as they will be answerable; and ordain the

sheriffs of the several shires to cause publish this proclamation. Given under our signet at Edinburgh, the 11th day of August, 1685, and of our reign the first year."

September 9th, the chancellor being called up to court, recommends it to the committee for public affairs, to meet every week, and call a council, if need be. October 29th, information being given of two field-conventicles in Cambusnothan parish, at which several persons were present with arms, and Mr Renwick preached, major Wedderburn of Gosford is ordered to inquire into the persons present, and the heritors, through whose lands they passed, and report. In November, I find the magistrates of Lanark and Glasgow ordered to be prosecuted for suffering persons, in their prisons for public crimes, to escape. And Alexander Hume, sheriff-depute of Renfrew, sends in a letter to the council, giving account of some conventicles, and hath a letter of thanks sent him, with orders to inquire who were present, and upon what heritors' lands they were.

I am sorry I cannot, after this year, give any more extracts from the council-registers, which end December 31st. I am told the warrants are all yet preserved, but from this year to the revolution none of them are booked. No doubt very remarkable things might be found among them, but they are not sorted, and perfectly in confusion. How no further of the council's procedure came to be recorded, I cannot say. Whether this came from the surprise of the revolution, or negligence, or shame, I do not determine. I am of opinion, though what followed had been booked, we could scarce have met with worse than we have already.

SECT. IV.

Of the sufferings and treatment of particular persons this year, before the privy council.

THE more general actings of the council have swelled the former section so much, that I have chosen to give the treatment of particular persons by itself in this; and it must relate to such as were made prisoners

last year and this, together with great multitudes banished toward the 1685. end of this year. I just give it in the order of time from the registers.

To begin with the gentlemen in the west and south, who, we heard before, were brought to no little trouble for pretended reset and converse, church irregularities, and the like, before the council and circuits, and upon their refusing the test, imprisoned and fined to the value of their estates: some hints of their case have been given upon the former chapter, and here I only take notice of what I meet with, concerning them this year, in the council books.

James Hamilton of Aikenhead we have once and again met with in this history, and, February 13th, he is liberate on bond of two thousand pounds sterling, to appear the 15th instant; and March 10th, I find him liberate under the same penalty, to appear when called. Mr Andrew Kennedy of Clowburn, March 5th, is liberate upon a bond of twelve thousand merks to re-enter the prison April 15th. May 8th, I find it represented to the council, that he is sore afflicted with the gravel, and they confine him to his own house, upon bond to appear when called. It seems in a little he was called, for, August 25th, I find him ordered to the Canongate tolbooth, because of the throng of prisoners; and September 11th, the council grant him liberty to go out of prison some hours in the day time, but ordain one of the keepers still to be with him. March 12th, Mr Andrew Hay of Craignethan falling under sickness in prison, the council allow him to be liberate, but confine him to the town of Edinburgh, under bond of ten thousand merks to compear when called, and order his former bonds granted at Glasgow to be given up. That same day William Fairlie of Brunsfield, who had been under certificates from physicians, liberate for a fortnight under bond of three thousand pounds sterling, hath his liberty prorogate by the council under bond, with the former penalty of three thousand pounds sterling; and April last he is continued under bond till he be called. March 14th, the laird of Kilmahew in Dumbartonshire, of whom we have heard this year already, is before

the council, and discharged from his sentence. Sir John Maxwell of Nether-Pollock petitions the council, May 17th, to be liberate, that he may attend the funeral of his only sister the lady Calderwood. They grant him till April 2d, under a bond of ten thousand pounds sterling, to re-enter that day. He re-entered, and September 11th, he is again liberate under bond to re-enter October 12th, under penalty of eight thousand pounds sterling. March 22d, John Porterfield late of Duchal, and Alexander Porterfield his son, supplicate the council for liberty. The first is refused, because under a sentence of forfeiture. His son is let out, on bond for the sum in which he is fined. July 23d, Duchal is allowed the liberty of the town of Edinburgh upon his petition, but confined thereunto. And September 3d, the council transmit the following petition from him to the secretaries; "That whereas the petitioner being desired by Sir John Cochran to give some charity to the lord Argyle, did heartily refuse the same, and having concealed the design of the said Sir John, and not timeously revealed the same, which he did out of ignorance, and not out of any evil design, but did freely confess the same, which otherwise could not be proven against him, wherefore your petitioner is forfeited, and, hath a long time been prisoner; and seeing his life is near at an end, I being of the age of seventy two years and under many infirmities contracted in the said prison, it is therefore humbly desired that your lordships would recommend your petitioner to his most sacred majesty, for a remission to be passed *gratis*, containing rehabilitation, &c. And it is hoped his sacred majesty will be so gracious (considering that the petitioner's crime was not intentional, but in a manner ignorantly) out of that gracious benignity and goodness which princes have been in use always to bestow upon the worst of their subjects, being penitent, and allow your petitioner a competency to live upon, out of his own estate, and take some seen course with his debt, which is very grievous to his spirit; and your petitioner shall ever pray." John Porterfield. And I find,

September 16th, an address to the council from Alexander Porterfield his son, showing that he hath nothing to pay his fine with, seeing his father is forfeited, and begs his fine may be remitted, considering his long imprisonment. The council transmit this address to the duke of Queensberry. May 19th, Bannantyne of Craigmuir is by the council ordered to be liberate, upon his bond to leave the kingdom, under the penalty of his fine. And June 12th, George Hamilton of Brown-castle petitions, "that having satisfied his majesty's cash-keeper, for the sum of two thousand merks imposed upon him as a fine in December last, and being orderly and regular, and willing to take the allegiance, he may be liberate." He is liberate upon bond of two thousand merks to compear when called, and to live peaceably and orderly. July 9th, John Crawford of Crawfordland, upon his petition, is liberate upon bond, under the penalty of a thousand pounds sterling, to live orderly and regularly, and to compear when called. That same day, the laird of Fairly is liberate on the same terms. And July 30th, William Cunningham of Ashen-yards supplicates the council, "That having now been in prison nine months since October last, and resolving to live loyally, as he hath still done, and his health being much broken, and his estate within seventy two pounds Scots valued rent, he may be liberate." He is let out upon bond, under penalty of an hundred pounds sterling. August 25th, John Whyteford of Balquhan, liberate out of prison formerly, and confined to the town of Edinburgh, in regard nothing is proven against him, though many witnesses have been examined, his confinement is now taken off, and he gives bond, under penalty of five thousand pounds sterling, to compear when called. September 9th, John Hamilton younger of Halcraig, is, upon his petition, liberate, having been ten months prisoner, and his father being in a dying condition, under bond to re-enter prison October 9th, under the penalty of twelve thousand merks. And September 11th, the laird of Craigends younger, is allowed to be liberate from prison under a bond of four thousand pounds sterling to re-enter November 1st. "No-

venber 19th, he is liberate, under bond with the same penalty, to re-enter the first of January next, that he may attend on his affairs in the session, and use means for procuring his fine." September 11th, petitions are given in by John Caldwell of that ilk, James Stuart of Hartwood, and William Hamilton of Overton, prisoners; and the council transmit them to the secretaries. Hartwood, being valetudinary, is liberate under bond, with his fine for the penalty to re-enter September 24th. And September 11th, Muirhead of Bradisholm is liberate under a bond of four thousand merks, to re-enter October 12th. And Mr John Bannatyne of Corehouse is liberate, upon bond, under the penalty of his fine, to re-enter that same day with the former.

These are all the hints I have observed in the registers as to those worthy and religious persons, and can follow them no farther for want of the records in the following year. Those of them who were liberate under bonds equal to their exorbitant fines, came at length to make compositions, and had vast sums to pay, and the happy revolution did only put an end to their trouble, though nothing illegal could be proven against them.

To those I may subjoin the hardships of several religious ladies I meet with in the council-books this year, for mere nonconformity, and pretended church-irregularities. I begin with those of that excellent gentlewoman the lady Colville. Dame Margaret Weems, lady Colville, is, March 17th, liberate by the council, and confined to the town of Edinburgh, she being indisposed, and by a bond under the penalty of her fine she is to re-enter April 2d. April 2d, her liberty, upon another petition, is prorogate a fortnight. And April 16th, the clerks of council are warranted to receive bond from her, under penalty of five thousand merks, to re-enter prison when called. That same day the lady St Ford prisoner in Culross is ordered to be liberate, upon a bond under the penalty of her fine, to appear when called. April 24th, her bond is prorogate, as also the lady Colville's, to the last instant. And that day they are both ordained to re-enter prison. I meet with no more about them.

May 19th, "Margaret Muir lady Tilen, (Tealing) and Patrick Maxwell her ^{1685.} son, who had been incarcerated in Dundee for alleged irregularities, and being present at house and field-conventicles, being found innocent, and her son but eleven years of age, are ordered to be liberate." June 3d, Dame Anne Scot lady Skelmorly, petitions the council, "That whereas a decret was passed by major White against her and her deceased husband, for alleged irregularities, and withdrawing from ordinances, before her husband's decease; and a committee of council having met, tried that case, and asoiled her, and she being sickly and her children sick, craving that she may be allowed to go to her house in the west." Her cause is continued till November, under caution to the value of her fine, and execution sisted against her, though not against her son, who is also charged; and in November, she is continued till the first of January. And June 8th, lady Mary Hope being called, and not compearing, is put to the horn. The hard case of the lady Abdean, will best appear from her petition to the council, July 29th, as follows. "Anent a petition presented by Jean Melville relict of Mr John Wardlaw of Abdean, showing, that the petitioner being, in absence, fined by the sheriff of Fife and his deputies, in the sum of three thousand merks, for her alleged withdrawing from the public ordinances, and having meaned herself to the council, they did take off the contumacy for her noncompearance, and she produced certificates under the magistrates' hands of Burntisland, where she lived, for her loyal and peaceable deportment. The council was pleased to turn the said decret into a libel, and to repon the petitioner against the same, since which time, as the petitioner has been still ready to answer any libel in writ which should be exhibit against her, notwithstanding whereof, she was frequently troubled and molested by messengers, who threaten to poind her household furniture, and carry herself to prison, though infirm by reason of her great old age, that she was not able, without help, to walk out of the room where she did lie; and seeing the minister of Burntisland could only accuse the petitioner of bearing of one minister

1685. there, in the time of the late indulgence, to whom the most part of the parish resorted, and for whom the heritors were preparing to buy or build a meeting-house; and the petitioner then thinking it was no breach of law to hear the said minister, but how soon authority discharged him, the minister or magistrates of the said place will not assert, that ever the petitioner went thereafter to hear him, or that ever she was at any conventicle, but that she behaved kindly to all the orthodox clergy, when they visited her. And therefore humbly supplicating the council, to take her condition to their consideration, by which, as it will be found that her liferent is narrow enough to support her old infirm age, and therefore not able to pay the said fine or any other, so that the council would find, that she could not be accused of withdrawing from the public ordinance, so long as she had health and strength to go abroad, except the time of the said indulgence, as the ministers and magistrates of Burntisland could not deny; and in respect the petitioner was reponed against the foresaid decret, that therefore they would be pleased to discharge messengers and all others, to trouble her person or goods for the future. The lords of his majesty's privy council, having considered the foresaid petition, do recommend to the lords Tarbet, justice-clerk, and Castlehill, or any one of them, to consider and examine the petitioner's cause, as is above represented, and to take her oath, (if need be) conform to their former reference to the sheriff of the shire of Fife, or his deutes, and to report what they find in the matter, against the first council-day of November next; and, in the meantime, discharge all execution, real or personal, for payment of the fine above-mentioned, till the said day." Upon what reason I know not, the council, August 17th, ordain her to be examined upon oath by the earl of Balcarras, notwithstanding of the council's act July 29th, and if she refuse to depone, that she be held as confessed. And October 15th, the council having considered a bill of suspension given in by the lady Abdean prisoner in Burntisland, for not paying her fine imposed by the sheriff-depute of Fife, do grant suspen-

sion, upon her consigning a thousand merks of the fine, in the hands of John Malcom procurator fiscal, and giving bond to be regular, and appear when called. Such treatment of so many excellent gentlewomen, and some of them persons of quality, scarce hath a parallel.

I shall, in the next place, take notice of several others before the council this year. February 11th, Robert master of Burleigh, Alexander master of Melville, and the laird of Kembachie, appear before the council, and take the oath of allegiance, being cited from Fife to appear before the council. The two first give bond, under a thousand pounds sterling, to appear when called, and Kembachie under five hundred, and his bond to the earl of Balcarras, at the late district in Fife, is given up. That same day, Edward Jarvie tenant in Bannockburn, imprisoned by the committee at Glasgow for withdrawing from public ordinances, in a petition to the council declares, he is willing to take the abjuration; and they ordain the magistrates of Glasgow to administrate it, and set him at liberty, he giving bond to live regularly, under the penalty of five thousand merks. And February 13th, the council come to take a shorter cut, and recommend to the earl of Balcarras, to administrate the oaths to the gentlemen in Fife, processed for irregularities; and the like power is granted to the earl of Marr for Stirlingshire, and lieutenant general Drummond for Ayr. February 24th, Mr William Wisheart, of whom before, now prisoner in Edinburgh, "is appointed to be liberate upon his giving bond, with caution, under five thousand merks, to compear when called." February 26th, the time of Robert Hamilton, late of Monkland, his reprieve being near expired, the council order it to be continued till his remission be expedite. March 5th, Mr John Knox minister, of whom also before, now prisoner in Edinburgh, being valetudinary, is liberate upon bond to re-enter when called, under pain of five thousand merks. And April 2d, his liberty is prorogate till the 23d, and that day he is continued till the 1st of May. And May 6th, "in regard of his continuing infirmities and known loyalty, and singular case, his liberty is

continued till the first of June, but no longer, save in terms of law." So severe are they to this excellent man, who had been so useful to the king in his exile under the usurpation, as hath been formerly observed. March 8th, John M'Ghie of Balgoon, is liberate under a bond of a thousand pounds, to appear before the council or committee of public affairs, when called. March 14th, Mr William M'Jore is ordered to be liberate, upon bond to compear when called, under the penalty of a thousand merks, that in the interim he may speak with the archbishop of Glasgow, at his grace's desire. March 17th, Mr Michael Potter, of whom before, is liberate from the Bass, upon caution to appear when called. And April 16th, Mr John M'Gilligen's diet of compearance is continued *sine die*. We shall afterwards meet with the treatment of several of the indulged ministers this year. April 21st, Hugh Kennedy of Daljarroch, Alexander Hume of Newton, Hugh Montgomery of Borland, and John Mitchell son to Tunnerhill, are continued under their bonds till the last instant. Borland and Daljarroch are, April last, continued upon caution to a day. July 7th, Alexander Durham of Duntrivie is liberate, on bond and caution to pay the cash-keeper his fine for church irregularities, and compear when called, under pain of three thousand merks. July 14th, Mr George Meldrum of Crombie, imprisoned in Blackness castle, is ordered to be liberate upon his giving bond to pay his fine to the cash-keeper, or re-enter November next, and caution to appear when called. And November 12th, he is continued till the treasurer return from London, under bond and caution for his fine of twelve thousand merks. July 23d, Patrick Hay of Naughton, is liberate under bond of ten thousand pounds sterling, to appear when called. August 7th, Robert Boyd of Trochridge is liberate, as having paid his fine of a thousand merks for church irregularities, upon his giving bond and caution under the sum of a thousand pounds sterling, to live regularly and orderly. And August 8th, C. Alexander in Paisley, prisoner in Edinburgh, is liberate under a bond of a thousand pounds sterling, to live regularly, and answer, when called, to any thing

that is to be laid to his charge. That same day George Douglas of Bon- 1685.
jedburgh, sent in prisoner by captain Graham, having now lien in prison three months, being sickly, is liberate on his bond to live regularly, and compear when called, under the sum of a thousand pounds sterling. August 18th, the council while sitting at Leith, about the prisoners in Dumotter, upon a petition liberate Patrick Hume, son to Sir Patrick Hume of Polwart, upon caution to appear when called, under the penalty of five hundred pounds sterling. September 19th, Mr James Futhy prisoner in the Bass, is allowed some liberty to walk on the rock, and eight pence per day given him, he being very poor. And September 9th, because he is very valetudinary, he is liberate from the Bass, under bond of five thousand merks, and confined to the town of Edinburgh. October 6th, John Morton of Little-hairshaw, is liberate under bond of five hundred merks. November 12th, the governor of the Bass is appointed to allow Mr John Blackadder to come forth, upon sufficient caution to re-enter prison at Edinburgh the first council-day in January, the council having laid before them an attested declaration of physicians concerning his indisposition tending to death. And December 3d, Mr Blackadder is appointed to be liberate presently, in regard he hath contracted a universal rheumatism and bloody flux, on bond of five thousand merks to confine himself to the town of Edinburgh. And December 10th, Mr John Mitchell of Balbardie, is ordained to be discharged from paying any further fines for his wife's irregularities, in not attending ordinances, in regard of his majesty's letters in favour of regular husbands.

Having thus gone through the particular gentlemen, ministers, and others, before the council this year, I come to end this section with some account of their way with some other prisoners before them, who were variously dealt with, but most of them are banished, of whose harsh treatment I shall give a narrative in a section by itself. Here I shall only set down the procedure of the council, and sentences passed against them.

February 11th, the council recommend it to the committee about the prisoners, to

meet, and report the case of those
 1685. in the prisons of Edinburgh and Canongate. And February 16th, they make the following report. "Patrick Russel, suspect to be one of the societies, ordered to the irons, he giving no satisfying account of his principles. John Stodhart, and others of the same name, James Stodhart, John Harkness, Laurence Corsan, all from Dumfries, having taken the test, and their liberation notwithstanding stopped, it is their opinion they be liberate. John Robb student in philosophy, John Nimmo in Boghall, John Crokat, James M'Cudie, James Clerkson, Edward Steel, John Tait, having taken the allegiance, are liberate. John M'Hastie, Andrew Wilson, two old, senseless, sick, poor, starving creatures, refuse the oath of allegiance, but give all other satisfaction, to be liberate. Mr William M'Millan desires time to deliberate about the prerogative, having no scruple about the allegiance, but stands at his majesty's supremacy in ecclesiastical affairs, continued. John Smith and James Russel, remitted to the justices. Samuel Cannon, William Turnbull, Alexander Niven, James Smith, Charles Douglas, Alexander M'Birney, Robert M'Ewen, William Wilson, John M'Caul, Halbert Wallace, John Corbet, James Irvine, refuse the oath, and are to be sent to the plantations. James Howatson, and John M'Ewen refuse all oaths except the abjuration, to be banished to the plantations." The council approve, and appoint accordingly. March 10th, the same committee report, "That Walter Menzies in Pilrig may be liberate, being neither heritor nor burgess, and the council may afterwards call him to take the allegiance. John Brown an old man, in the fugitive roll, refuses the allegiance, and so ought not to have the benefit of the indemnity. John Mosman ought to have the benefit of it. Duncan Fergusson in St Ninians, refusing the abjuration, continued. Archibald Wilson, in the fugitive roll, continued. Thomas Russel in Livingstone, refusing that part of the abjuration, not to take up arms against the king, continued. James Reston in Halton, heritor, fugitive, unrelaxed, remitted to prison. John Muir, late provost of Ayr, dismissed

till to-morrow, that his case be more fully represented to the council (they liberate him). Samuel Cannon fugitive, being furious, be relaxed under a bond of five thousand merks to compear at a long day. Robert Hamilton to be liberate upon taking the allegiance. That letters be direct to the commissioners for Stirling, Glasgow, and Ayr, to offer the indemnity to all the prisoners there; that all who are liberate have a printed pass given them, subscribed by the hand of a privy counsellor, or one of the commissioners. George Brown tailor, John Pollock, John Wallet in Galloway, refuse the abjuration, and are continued." The council approve, and appoint accordingly. That same day, the council grant warrant to the laird of Pitlochry, to go to the prisons of Edinburgh, Glasgow, and Stirling, and transport an hundred of the prisoners, who are willing to go to the plantations; excluding all heritors who are above an hundred pounds of rent. March 27th, James Armour, merchant in Glasgow, William Muir, and Halbert Wales, prisoners, are liberate upon a bond of two thousand five hundred merks, that they remove to the plantations.

July 24th, the council pass a decret against great numbers, and banish them to the plantations. Which will best appear as it stands in the records, "anent our sovereign lord's letters, raised at the instance of Sir George Mackenzie of Rosehaugh, knight, his majesty's advocate, for his highness' interest in the matter underwritten, mentioning, that where the keeping or being present at house or field-conventicles, withdrawing from the public ordinances, the harbouring and resetting rebels and traitors, or joining with them, or any manner of way having correspondence with them, and the refusing to take the oath of allegiance, which his majesty's laws did justly require from all suspect persons, subjects, be crimes of a high nature, and severely punishable conform thereto: nevertheless it is of verity, that the persons underwritten are guilty of one or other of the said crimes, viz. Alexander Ritchie, William Smith, Andrew Scot, James Forrest, Thomas Stodhart, James Wilkie, John Elliot, George Young, Robert Cameron, John Gibb, James

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Stuart, John Swan, John M'Lean, William Hastie, James Olipher, Robert Campbell, John Jackson, Thomas Weir, Matthew Bryce, in the Canongate tolbooth ; John Pettie, James Gavin, Andrew Maitland, John Mundel, William Drenon, John M'Bryde, John M'Lean, William M'Lean, Gilbert M'Ilroy, William M'Ilroy, John Cunningham, John M'Cully, Quintin Dunn, Adam Muir, in the guard-house at the Abbey, now in the tolbooth of Edinburgh ; Gavin Russel, John Ireland, Hector M'Gibbon, Archibald M'Gibbon, Thomas Brown, Thomas Richard, David Law, Thomas Turnbull, William Jackson, John Gilliland, George Cunningham, also in the tolbooth of Edinburgh, Archibald Marshall, Thomas Jackson, in the thieves-hole, James Baird in Kirk-housel in Kintyre, William Watson in Isla, Donald Fergusson in Ruchoord, Archibald Campbell there, John Henderson there, John Martin in Kirkmichael in Kintyre, John Allan near Cumnock, Duncan M'Cunchall in Isla, and William Campbell in the laigh parliament-house, Neil Black in Glenbeg, Gilbert M'Arthur a drover in Isla, John Campbell in Carrick in Lochfine-side, Archibald Campbell in Inverneil in Knapdale, Duncan M'Millan in Carridel in Kintyre, John Campbell son to Walter in Dunotter in Kintyre, John Fletcher in Runicadle in Kintyre, Archibald Campbell in Monridge there, John Campbell son to Donald in Auchindrydie in Cowall, Duncan M'King in Skipnish in Kintyre, Iver Graham in Inverneil in Argyle, John M'Gibbon in Glennowkeil in Argyle, John M'Kinnon in the Duppen of Kintyre, John Campbell son to Robert in Lockwear in Lorn, Neil M'Geichan in Barnazare in Lorn, John M'Iver in Tulloch in Argyle, John Dumaclauchlan in Auchahouse in Argyle, John M'Lauchlan in Barnagate in Argyle, in Paul's work, for which they ought to be punished, conform to the laws and acts of parliament of this realm, to the terror of others to commit and do the like in time coming. And anent the charge given to the forenamed persons, to have compeared before the lords of his majesty's privy council, to have answered to the foresaid libel, and to have heard and seen such order taken thereanent, as appertains, under the pain of rebellion, &c.

With certification, as the said letters, 1685. executions and moderations thereof in themselves at more length proport ; whilk being this day called, and both parties compearing, and his majesty's advocate having, instead of all further probation, referred the matter libelled to the defenders' oath, and they having refused thereupon to depone, or to take the oath of allegiance, the lords of his majesty's privy council do delay the case of Alexander Ritchie, Robert Campbell, and John M'Lauchlan till they consider thereof ; and have banished, and hereby banish all the other persons foresaid, except the said Thomas Stodhart, James Wilkie, and Matthew Bryce, who not only obstinately refused the said oath of allegiance, but most impertinently and indiscreetly misbehaved themselves before the council, to his majesty's plantations abroad, discharging them for ever to return to this kingdom without license, under the pain of death to be inflicted on them without mercy in case of failure. And further, the said lords having considered the foresaid libel pursued against the persons aftermentioned, viz. Neil Black, Gilbert Macarthur, Duncan M'Millan, John Campbell son to Walter Campbell, John Fletcher, Archibald Thomson, Duncan M'Rig, Iver Graham, John M'Gibbon, John M'Kinnon, John Campbell, John M'Geichan, John M'Iver, and John Dow M'Lauchlan, they (in regard the foresaid persons have refused to take the said oath of allegiance) have banished, and hereby banish all of them, except John Campbell son to Donald Campbell in Auchindrydie, a young boy, whom they hereby dismiss, to his majesty's plantations, under the foresaid certification ; and ordain the said Thomas Stodhart, James Wilkie, and Matthew Bryce prisoners in the tolbooth of Edinburgh, and Archibald Campbell prisoner in Paul's work, who is in their case, immediately to be put in irons, and grant warrant to his majesty's advocate to process them criminally before the justices."

Another decret is passed against the following persons, and the men are ordered to have their ears cropt, and the women to be marked in their hand. Edinburgh, July 28th, "The lords of his majesty's privy council having considered the libel at the instance

of his majesty's advocate, (booked 1685. upon the 24th instant) against William M'Call, John Finnison, John Kennedy, James Corsbie, Robert Sharp, William Marshall, Edward Stit, Andrew Jardine, Agnes Fergusson, Marian Lawson, Elizabeth Kirkwall, Bessie Jardine, Janet M'Queen, and Mary Clark; and they having refused to own his majesty's authority, do hereby banish them to his majesty's plantations abroad, discharging them for ever to return to this kingdom, without license from his majesty or the council, under the pain of death, to be inflicted on them without mercy, in case of failure; and in regard John Black, Walter Donaldson, William Mader, George Howatson, Robert Rae, and Andrew Bell, do offer to take the oath of allegiance, and own his majesty's government, the said lords do ordain them to be liberate upon their enacting themselves to live regularly and orderly, and to compear before the council when called, for ilk one of them under the penalty of five hundred merks; and in regard Robert Johnston soldier, is taken by mistake, and Janet Dobbie is a poor ignorant woman, do hereby dismiss them; and ordain the said Edward Stit, being an obstinate fellow, who had feigned himself frantic, and refuses the oath of allegiance, or to acknowledge the king's authority, (except these taken with the late earl of Argyle) to have the following stigma and mark, that they may be known as banished persons if they shall return to this kingdom, *viz.* that the men have one of their ears cut off by the hand of the hangman, and that the women be burnt by the same hand on the cheek, with a burned-iron marked with the letters and that before they be put aboard in order to their transportation, and appoint a surgeon to be present, and to see their cure."

That same day they pass sentence against the under-written prisoners. Edinburgh, July 28th, "The lords of his majesty's privy council, having considered the libel against the persons under-written, *viz.* John Gilliland, Hector M'Gibbon, Archibald M'Gibbon, Samuel Howie, do hereby banish them to his majesty's plantations abroad, as being with the late Argyle; as also

Alexander Jamieson, Andrew Reid, John Howie, William Milroy, Quintin Dun, William Drennen, and John M'Willy, John Cunningham, Thomas Richard, Archibald Campbell, Alexander Mason, and Matthew Hamilton, and ordain David Low, Gavin Russel, and Edward Stit to be put in the irons, and to be processed before the justices for treason and rebellion, and do dismiss John M'Blean, William M'Blean, John M'Bride, and Michael Smith, in regard of their infirmity and weakness, and that they have given satisfaction, and continue to advise the cause of Gilbert M'Ilroy, and one Cam Englishman, till they consider further their oath, and ordain all the said persons banished, not taken with Argyle, to have one of their ears cut off in manner mentioned in the former sentence, of the date the 28th instant."

By another decret July 30th, the council banish considerable numbers, and appoint, as in the sentence itself, which follows. "The lords of his majesty's privy council having considered the libel against the persons under-written, have banished, and hereby banish them to his majesty's plantations abroad, *viz.* Gilbert Fergusson, John Campbell, Donald M'Taylor, Archibald M'Tyer, John M'Gillich, Donald Milmoon, Robert Hutchison, Archibald M'Ilvane, Donald Milberran, David Ochiltree, Duncan Alexander, John Adam, Patrick Stuart, Malcolm White, Colin Campbell, John Beveridge, prisoners in the tolbooth of Canongate, and who were with the late Argyle; as also Walter Hownam, James Murray, Malcolm Bryce, James Wilkison, Thomas Stodhart, and Grizel Alston, who refuse to take the oath of allegiance, and to acknowledge the king's authority, and ordain the said five last men to have one of their ears cut off, and the women to be burnt on the cheek, and allow David Campbell to consider of the allegiance and prerogative till to-morrow: and in regard Robert Blackburn, James Ramsay, and Robert Orr, (who were not with the late earl Argyle) have offered to take the oath of allegiance, and assert the king's prerogative, ordain them upon taking thereof to be liberate, and continue John Campbell, who was with

Argyle, being a sick person, and Samuel Graham, prisoner from Annandale, an old decrepit person, till they consider further of their case: as also the case of John Clark, who hath certificates upon soul and conscience, under the hand of ministers, and the captain of the castle of as his being taken prisoner by Argyle's party against his will, when he was sent out to view the enemy, and who will take the test. And the said lords having considered the libel against the persons under-written, prisoners in Paul's work, viz. Hugh M'Lean, Donald Campbell, John M'Irhallam, Duncan Fletcher, Alexander Graham, John M'Lean, Duncan Thomson, Donald More, Donald Morrison, Neil M'Ilbride, Malcolm Black, Donald M'Kello, Hugh M'Queen, Donald Johnston, Soarly Lawmond, John Nicol, Malcolm Iver, Angus M'Iver, Neil M'Kairn, Duncan M'Ivorie, Duncan M'Ilbride, John M'Ilporie, Duncan M'Lean, Dugald M'Connochy, Archibald M'Lauchlan, John M'Callum, Martin M'Kello, Neil Thomson, John M'Kello, Donald M'Lauchlan, and Donald M'Iver, who were all with Argyle, have banished and hereby banish them to the king's plantations abroad, never to return to this kingdom without license from the king or council, under the pain of death, to be inflicted upon them without mercy; and ordain M'Gibbon, who is a necessary witness for the king, to be sent prisoner to the tolbooth of Edinburgh, and ordain Malcolm M'Neil and John M'Lauchlan, his brother soldier, who was taken carrying letters to the lord marquis of Athole, as also James Wilson, who was not with Argyle, and will take the test to be liberate."

Next day they go on to banish more to the plantations. Edinburgh, July 31st, "the lords of his majesty's privy council, having considered the libel against the persons under-written, prisoners in the tolbooth of Edinburgh, have banished, and banish them to his majesty's plantations abroad, viz. Thomas Turnbull, who was with the late Argyle, John Simpson, James Gray, James Gavin, John Mundul, Andrew Maclean, Anna Murray, prisoner for alleged murder of her own child, Kathrine Leckie

for the said alleged murder, Christian Gardner and Janet Wallace, for the same suspicion, and ordain the persons fore-said, who were not with the said Argyle, to be cut and burnt conform to the former sentence, of the date the 30th instant; as also Margaret Holms, for not owning his majesty's authority, to be banished, as said is; and allow Thomas Abercromby from Carrick, to consider on the oath of allegiance, and to dismiss Hugh Mackillanton, in regard he hath sworn never to rise in arms against his majesty's authority, and hath taken the oath of allegiance to be at liberty; as also John Beatie upon the same account, and William Macmichan upon the same account; as also, Janet Paterson, being an old woman. In regard that James Munside, Gavin Lockhart, Mrs Binning, and Elizabeth Brown, are sick and valedutinary, delay the consideration of their case; and remit William Cunningham, John Muirhead, and William Jackson, to the lords commissioners of justiciary, for having refused the oath of allegiance, disowned his majesty's authority, and for not engaging to rise against the same, to be proceeded against according to law. And the said lords having also considered the foresaid libel, against the persons under-written, prisoners taken with the late Argyle, and in the laigh parliament-house, viz. James Baird, Neil M'Callum, Duncan M'Callum, Archibald M'Kirrech, John M'Neil, Archibald M'Neil, Donald Fergusson, John Anderson, Duncan Sinclair, Archibald Lawmond, Donald M'Kirrie, Donald Crawford, William Watson, John Martin, Duncan Fergusson, James Hall, John M'Halarty, Duncan M'Michael, Alexander M'Currie, John M'Iver, Neil M'Kinlay, Archibald M'Callum, Dugald Clark, Donald Walker, Archibald M'Ewen, Donald M'Ewen, John Crawford, and Martin M'Call, do ordain them to be banished in manner foresaid, without the stigma or mark. As also, having considered the libel against the persons under-written, brought in prisoners, and in the laigh parliament-house, viz. John Allan, Robert Edward, John Mitchell, Roger M'Michael, John Weir, Robert Muir, John Downie, ordain them to be banished, and marked in

manner foresaid; and in regard 1685. George M'Adam, John Paterson, Gilbert Walker, John M'Kenzie, James M'Kenzie, Gilbert M'Eadie, Patrick M'Eadie, William Allan, William Brown, Robert Walker, George M'Adam sick, Roger M'Walter, Gilbert M'Eadie, and David Kennedy, have and will take the oath of allegiance, and that David Paton owns his majesty's authority, but being an old man and sick, is not free to take oaths, but prays for, and swears not to rise in arms against the king, nor his authority, ordain them to be dismissed and at liberty. And the said lords having considered the libel against Allan M'Whiddie, Neil Campbell, Neil Walker, William Hood, Duncan M'Queen, John M'Ewen, John M'Govan, Colin Campbell, Hector M'Neil, John M'Doun, Alexander M'Lean, Neil M'Connachy, Malcolm M'Alla, Donald M'Killan, Duncan Thomson, John M'Connachy, Archibald M'Cormodal, Duncan M'Dougall, Duncan Walker, Archibald Brown, Donald Brownie, Duncan M'Millan, Neil Kell, and Duncan M'Iver, who were with Argyle, do banish them in manner foresaid without any stigma; and ordain Archibald Campbell an old decrepit man, and Duncan Brown a young boy of nonage, to be dismissed and liberate. And do hereby ordain, that the person or persons who shall receive the said prisoners, or any of them, shall be obliged, before delivery, to find sufficient caution, acted in the books of privy council, to transport them to the plantations abroad, respective, whither they are bound, and to report a certificate under the hand of the governor of the place where they land, of their landing there, (sea hazard, pirates, and mortality being always excepted) and that under the penalty of one thousand merks for each of them, in case of failure. And the said lords do discharge the transport of any of the said persons now banished, who have refused the oath of allegiance, and will not own his majesty's authority, until the men now sentenced have one of their ears cut off, and the women burnt in the cheek, in manner foresaid; and ordain the persons concerned to transport the said prisoners, to meet and concert the business as to the several persons to be

transported by them, that the council may give order for delivery accordingly."

That same day, they ordain the magistrates of Edinburgh to cause their hangman to crop the ear of the persons under-written. "Forasmuch as the lords of his majesty's privy council, having, by their several sentences, ordered the persons under-written to be sent to the plantations abroad, and discharged them from returning to this kingdom ever hereafter, without special license from the king or council, under the pain of death, to be inflicted on them without mercy. And further, ordained the men to have their left ear cut off by the common hangman, as a stigma and mark of their guilt. The said lords in pursuance of the said sentences, do hereby require and command the magistrates of Edinburgh, once upon Tuesday the fourth of August next, to cause their common executioner to cut off the left ear of the men under-written, viz. William M'Call, John Finnison, John Kennedy, James Corsbie, William Marshall, Andrew Jardine, Alexander Jamieson, Andrew Reid, John Hay, William M'Iroy, Quintin Dun, William Drenan, John M'Illvie, John Cunningham, Thomas Richard, Archibald Campbell, Alexander Mason, Matthew Hamilton, all in the tolbooth of Edinburgh; Walter Hownam, James Murray, Malcolm Bruce, James Wilkison, prisoners in the Canongate tolbooth; John Simpson, James Gavin, John Mundel, Andrew M'Lean, in Edinburgh tolbooth; John Elliot, Robert Edward, John Mitchell, Roger M'Michan, John Weir, Robert Muir, John Downie, Lawson, Elizabeth Kirkwal, and ordain the said magistrates to give obedience accordingly."

The prisoners thus sentenced are given to different persons to be transported. August 7th, Pitlochrie petitions the council, "That he had sought fifty prisoners, and engaged several workmen to go with him to New-Jersey, and the council have banished 177 to Jamaica and the plantations, he desires he may be allowed some to go with him." The lords grant him twelve to New-Jersey, only Gilbert M'Arthur and Angus M'Connochy are to be stopped, notwithstanding they are sentenced, as being necessary witnesses for the king against those

in the late rebellion. That day the council give the following persons to Robert Barclay of Urie. "The lords of council do hereby order the prisoners under-written, sentenced to the plantations abroad by the council, to be delivered to Robert Barclay of Urie or his order, in order to their being transported, as said is, *viz.* George Young, Robert Cameron, John Gibb, James Stuart, John Swan, James Olipher, John Jackson, Colin Campbell, John Campbell, Gilbert Fergusson, prisoners in the tolbooth of the Canongate; John Gilliland, Archibald Jamieson, William M'Iroy, William Drennan, Thomas Richard, prisoners in the tolbooth of Edinburgh, or in the laigh parliament-house; William Thomson, Malcolm Black, Alexander Graham, Donald Moor, John Nicol, John M'Aulin, John M'Kello, Duncan M'Ewen, prisoners in Paul's hospital. And give warrant to the several keepers of the prison where they now are, to deliver them accordingly, upon the said Robert Barclay his finding caution to transport the said prisoners to the plantation of East New-Jersey, in America, and to report a certificate of their landing there, under the hand of the governor of the place, betwixt and and that under the penalty of one thousand merks, Scots money, for ilk one of them, in case of failure, sea-hazard, mortality, and pirates being always excepted."

August 11th, Some other prisoners are before the council, and their act about them follows. "Forasmuch as the persons under-written, *viz.* Robert Campbell, John Miller, Archibald Caldwell, John Galbraith, Thomas Miller, William Corsan, Hugh M'Conar, Samuel Graham, David Campbell, James M'Cullie, Patrick M'Gartie, James Wightman, Thomas Jackson, and Michael Marshal, being convened before the lords of his majesty's privy council, to answer to several crimes, and the said Robert Campbell, David Campbell, Thomas Jackson, and Michael Marshal, having refused to take the oath of allegiance, the said lords have banished, and hereby banish them to his majesty's plantations abroad, and never to return to this kingdom without the king or council's license, under the pain of death, to be inflicted upon them without mercy;

and have continued, and hereby continue the case of John Miller, Archibald Caldwell, John Galbraith, Thomas Miller, William Corsan, Hugh M'Connar, Samuel Graham, James M'Cullie, Patrick M'Gartie, and James Wightman, until the council consider their cases more fully; and, in their absence, allow the committee to dispose of them as they shall find cause." 1685.

Greater numbers were before them August 17th, and their sentence will best appear from the decretet itself. "Forasmuch as the persons under-written, *viz.* Mr John Frazer, William Oliphant, John Foreman, John Martin, Patrick Cunningham, John Kincaid, Adam Hood, James Kirkwood, John Henderson, Peter Russel, Charles Douglas, Robert M'Queen, William Turnbull, John M'Ewen, William Hannah, William Wilson, John Foord, John Sinton, Andrew M'Lellan, Andrew Corbet, John Hunter, John Kennie, John Gray, George Moor, John Gilfillan, John M'Ghie, John Turpnie, John Urie, James Junk, William Campbell, John Campbell, James Forsyth, Thomas Russel, George Brown, John Pollock, James Reston, John Black, John Corsan, Robert Gilchrist, John Smith, Fergus Grier, William Douglas, John Crichton, James Grier, Walter M'Ewen, Barbara Cowan, Agnes Corhead, Bessie Gordon, Grizel Gemble, Margaret M'Lellan, Elspeth Fergusson, Janet Fergusson, Elizabeth Whitelaw, Janet Lintron, Christian Scot, Katharine Kellie, Annabel Jackson, Annabel Gordon, Jean Moffat, Margaret Leslie, Marjory Cowan, Margaret Miller, Agnes Tannis, and Marian Rennie, George Johnston, Christopher Strang, Alexander Dalgleish, John Harvie, Robert Young, and Andrew Paterson, Katharine Govan, and Isobel Durie, at present prisoners in the tolbooth of Leith, being convened before the lords of his majesty's privy council, at the instance of his majesty's advocate, for several crimes and irregularities, refusing the oath of allegiance, or to own the king's authority, or take the oath of abjuration, in manner at length libelled; and all the said persons being men, having judicially in presence of the council, refused to take or sign the oath of allegiance, and the women abovesaid having altogether refused to own his majes-

1685. ty's authority, or to take the oath of abjuration, the lords of his majesty's privy council have banished, and do hereby banish the haill forenamed persons, men and women, conform to the act of parliament, to his majesty's plantations abroad, and discharge them ever to return to this kingdom hereafter without the king or the council's special license, under the pain of death, to be inflicted on them without mercy; and further ordain the haill forenamed persons, as also the persons under-written, formerly sentenced to the plantations, and now prisoners in the tolbooth of Leith, viz. John Kellie, William Sprent, William M'Calmont, Patrick Walker, James Muirhead, John Hodge, William Niven, John Corbet, John King, John Taggat, Thomas Shilston, Patrick Urie, Colin Alison, Robert M'Lellan, Robert Goodwin, John Hutchison, Christian Cavie, Elizabeth Corse, Grizel Wother-spoon, Jean M'Ghie, Margaret Ferret, Elspeth and Janet Fergussons, to be delivered to Mr George Scot of Pitlochrie, and by him transported to his majesty's plantations in East New-Jersey, in the ship lying in the road of Leith, now bounding thither, upon his finding sufficient caution to transport the haill forenamed persons to the foresaid plantation, and to report a certificate of their landing there, from the governor or deputy-governor of the place, once in September 1686 years, under the penalty of five hundred merks for each one of them in case of failure; sea hazard, mortality and pirates being always excepted; and discharge the forenamed persons formerly, and now ordered to the said plantations, ever to return into this kingdom without license, and under the certification, as aforesaid; and the said lords do hereby give order and warrant to the bailies of Leith, and keepers of the tolbooth thereof, to deliver the haill forenamed persons to the said Mr George Scot of Pitlochrie, when he shall require them, conform to the warrant given him for that effect, and to be concurring and assisting to him in putting them aboard; and, if need be, recommend to general Dalziel to allow him such a party of his majesty's forces as he shall think fit for that effect: and the

said lords having considered the case of the persons under-written, viz. Charles Gray, Mr William M'Millan, John Harper, Thomas Black, Walter Black, Patrick M'Jore, James M'Call, John Watt, George Muirhead, Robert Young cooper in Glasgow, John Wallace, William Gilmour, William Nicol, William Waterston, James Lockhart, Thomas Bredie, the two Robert Bredies, John Bredie, Robert Barclay, William Latta, James Ritchie, James Orr, James Glen, Hugh Blair, and Robert Gilmore, who have taken the oath of allegiance, do hereby give order and warrant to the bailies of Leith, and keepers of the tolbooth thereof, to set them at liberty, upon their enacting themselves, ilk one of them under the penalty of five hundred merks, that they shall compear before the council when called for, and in the meantime live regularly and orderly, except the said Mr William M'Millan, who is to enact to the effect foresaid, under the penalty of five thousand merks; as also Thomas Paterson, who has taken the test, upon his enacting as aforesaid, and dismiss Robert Young from the bar, and continue William Brown absent by sickness, and John Wallet an old man, till further order, and immediately dismiss Janet Glendonning from the bar, and in regard Isobel Gordon, Jean Gordon, Mrs Gardner, Margaret Rowan, Agnes Mather, Margaret Lithgow, Elspeth White, and Agnes Hairstanes, have owned the king's authority, the said lords ordain them also to be liberate, upon their enacting themselves to keep the kirk, and not to harbour or reset rebels, under the penalty of five hundred merks, Scots money, ilk one of them, in case of failure; and continue the case of Katharine Clark sick, Isobel Howatson, and Eupham Threpland, also sick, till further order; and in regard Janet Fumerton flatly and boldly in face of council, denied the king to be lawful sovereign, and his authority, the said lords ordain her to be processed before the justices for her life."

August 20th, Robert Goodwin is ordered to be brought from Dunotter; and August 21st, William Jackson, William Cunningham, John Muirhead, Thomas Jackson, Michael

Marshall, Robert and David Campbells, are delivered to Pitlochrie; and August 25th, Gavin Lockhart, Robert Adam, and Gilbert Monorg, are given to him. The married women sentenced to the plantations, who are with child, are ordered to be returned to Edinburgh prison; and John Urie, John Hunter, Colin Alison, William Hannah, Elspeth Corra, Jean M'Ghie, and Christian Scot, banished formerly, are stopped; and Janet Linton, with Bessie Gordon, are given to Pitlochrie, John Watt, John Smith, and John Marshall, likewise are given him. Walter Ker is banished to the plantations September 3d, and Thomas Martin, John Reid, Robert Martin, and John Martin, are liberated on taking the abjuration, and bond of five hundred merks to compear when called.

October 15th, some others are before the council, and their act about them follows. "The lords of his majesty's privy council having called for, and examined the several prisoners under-written, and considered their cases, do remit James Patrick indweller in Kilmarnock, Alexander M'Millan born in Nithsdale, and Gilbert M'Ilwrick in Commonel, to be tried before the justices, for their not owning the king's authority, and refusing to take the oaths of allegiance or abjuration; and in regard Archibald M'Bread in Logan owns the king's authority, offers to take the test and abjuration, and was discovered and brought in by his father, as having been in company with the rebels, the lords recommend to the lords secretaries, to interpose with his sacred majesty for a remission to him for his life only, and ordain a letter to be writ for that effect; and in the mean time grant order for his liberty on caution, under the penalty of five hundred merks, to compear when called; as also ordain Patrick Maxwell and John Haddoway in Douglas, to be liberated upon their taking the oaths of allegiance and abjuration, and finding of caution, ilk one of them, under the penalty of five hundred merks, to compear when called, and in the meantime to live regularly and orderly; and in case the said Patrick Maxwell cannot find caution, allow him to be liberated on taking the test, and enacting himself as

aforesaid; and continue the case of Andrew Leslie, seaman, who 1685. came alongst with Argyle, who acknowledges his regret for being in such company, casts himself on the king's mercy, and offers to take the test till the council be more frequent; and ordain Homer Cannon, taken with a gun he had gotten from the rebels in the hills, and refuses the oath of allegiance, to be processed before the council in order to banishment; and appoint Hugh M'Kinasters, who has made discoveries of several persons rebels in Galloway, and who were accessary to the attack of the castle of Stranraer, whereof some are taken, to be further examined upon oath by the earl of Balcarras and Claverhouse; and allow James Templeton in Lesmahagow, to consider the oath of allegiance till the next meeting."

November 26th, James Bryce wright, and James Russel weaver, are liberated on bond of five hundred merks to appear when called; and William Howat, because he refuses the oaths, to be processed in order to banishment. That same day David Paterson in Eaglesham, William Somerwel, William Freugh there, James Rae in Udiston, and John Park weaver in Lanark, for conventicles, and refusing the oath of allegiance, are banished, and delivered to Mr Fearn.

December 9th, John Anderson in Lanark for breaking the tolbooth there, and refusing to own the king's authority is banished, and given to Mr Fearn; and David Porterfield, David Paterson, James and William Somerwels, William Freugh, James Rae, John Park, John Anderson, Thomas Wylie, John Hogg, John Gemble, John Hunter, James Patrick, Edmond Garmarthan, John Arbuckle, and James Mack, are banished.

Thus I have given what accounts I have observed in the council-registers this year, which relate to particular persons, and to vast numbers who were banished. Several other things relative to such as were processed before the parliament and justiciary, and the prosecutions after the earl of Argyle's attempt, will come in under the following sections.

SECT. V.

Of the procedure of the justiciary court this year.

I COME now forward to give a detail
1685. of the proceedings of the justiciary court this year, and having been so large in my extracts upon the former years, I may omit now many of the forms and circumstances, and shall give the processes before them, and the public executions only in hints, with some things anent the sufferers, from other papers, as I go through.

The earl of Tarras' process comes on January 5th, this year. By the council-records, September 16th last year, I find "the earl of Tarras, lately brought in prisoner, desires to be examined. And December 16th, the advocate is ordered by the council to process the earl for treason." The process, as hath been noticed upon Jerviswood's trial, was upon his own confession, and this confession was brought as a proof against Mr Bailie, and the sentence and process is delayed till now, that though he had confessed and come in the king's mercy, yet he might not be under sentence when adduced as a witness. This day he appears, and his indictment is read, which is as follows. "Walter earl of Tarras, you are indicted and accused, that where, notwithstanding by the common law of this and all other well governed nations, the concealing and not revealing of any treasonable discourse, does infer the pain and punishment of treason; nevertheless there being treasonable designs in England for rising in arms against the king our sovereign, whom God preserve, and for killing, at least seizing his sacred person, and the person of his royal highness, and for forcing his majesty to such proposals, as they, the damnable conspirators, should make; there was a juncto likewise of the Scottish nation, called up by them, who did meet and assemble themselves at London in the months of February, March, April, or May, 1683, at which meeting were present the lord Melville, Mr Robert Bailie of Jerviswood, Sir Hugh Campbell of Cesnock, Sir George Campbell his son, Montgomery of Langshaw, Sir John Cochran, Mr Robert Martin, and

Mr William Veitch an outed preacher, and others, where, after they had most treasonable and seditiously misrepresented his majesty's royal government, especially in Scotland, and the administration of his royal highness his majesty's commissioner, and his judicatories here, thereby to excite one another to the designed conspiracy and rising intended against him, and to serve as a pretext to excuse their wicked design of joining with the conspirators in England, they did send Mr Robert Martin with a commission unto Scotland, and he carried letters, particularly a letter to you the said earl of Tarras, and the said Mr Robert Martin having arrived here in Scotland in the month of May 1683, he did address himself to the laird of Torwoodlee, and they sent for the lairds of Polwart, Philiphaugh, and you the said earl of Tarras, and before Polwart came, the said Mr Robert Martin and you, or at least you and Philiphaugh, did talk of a rising in arms, upon a suspicion that the country party in England should have thought of going to arms, and if it were not fit, in that case to seize upon the officers of state, and other officers here, and to surprise Berwick and his majesty's garrison of Stirling, and others, and his troops of horse and dragoons in this kingdom. After which you went to Gallowshiels, and met with the lairds of Gallowshiels and Polwart, and after you had tried if the laird of Gallowshiels would be secret, you did at last formally talk of rising in arms, and of concurring with the late earl of Argyle a declared traitor, who should land in the west, and of bringing the king, by petitions or force, to abandon his royal brother, and of delivering him up to a legal trial, as a sure remedy for settling all disorders, and repairing all grievances, both in England and here; and as a certain step for secluding him from the succession to the imperial crown of his majesty's ancient kingdom; and if this was not done in the king's own life-time, the opportunity would be lost. And those overtures were concerted between your friends at London, and the country party, (for so you called the conspirators) and then it was positively talked by one or other of you, that upon the cer-

tain news of England's being in the fields, those in the southern shires should presently rise, and to get as many as they could who should be able to deal with stragglers, and that officers should be trysted to command; that then the earl of Argyle was to come from beyond sea, and Sir John Cochran from England to the west country. And there was a sign and a word appointed for those you call honest men, to know one another by, and that upon the news you were to have from England, you were to meet upon mid-summer. Which overtures, or one or other of them, either you yourself made or heard and concealed the same, or at least you did talk what was to be done if England should rise in arms; and did treat of giving them or the late earl of Argyle, a declared traitor, some assistance here. And you being present when those, or such like overtures as those, were treated, you did conceal, or not reveal the same. Wherethrough you are guilty, at least art and part of the treasonable crimes abovementioned, which being found by an assize, you ought to be punished with forfeiture of life, lands, and goods, to the terror of others to commit the like hereafter."

The indictment was found relevant by the lords, and remitted to an assize. The advocate for probation adduces the pannel's confession, which likewise I insert. Walter earl of Tarras confesseth, "that about the time Sir John Cochran and commissary Monro got their commission for the Carolina business, from London, Mr. Robert Bailie of Jerviswood desired the pannel to speak to commissary Monro, to try if he could get him added to that commission, and that Jerviswood told the pannel he was going to London however upon his own expenses, and that his and their going about the Carolina business was but a pretext and blind; and that the true design was to press forward the people of England, who would do nothing but talk, to go more effectually about the business, and do something. Confesseth, Jerviswood did settle a correspondence with him whereby he was to give an account to the pannel what should pass between the country party in England, and the Scotsmen there; and on the

other hand, that the pannel was to write to him what occurred here. 1685. Confesseth, Jerviswood said to him, that if the king would suffer the parliament of England to sit and pass the bill of seclusion, that that was the only way to secure the protestant religion. Confesseth, that Jerviswood said to him, that the king might be induced thereto, if the parliament would take sharp and brisk measures with him, or the like words. Confesseth those words were spoken to him since the last session of parliament, and before Jerviswood and commissary Monro went for London; that he gave the pannel account by letters that things were in great disorder there, and that he hoped there would be effectual measures taken to remedy them. Confesseth, Mr. Robert Martin came to Torwoodlee's house, May 1683, or thereby, and brought a letter to the pannel's lady unsubscribed, and the pannel knew it was Jerviswood's hand then at London, and that Mr. Martin told the pannel that things in England were in great disorder, and were like to come to a height, and that the country party were considering on methods for securing the protestant religion, and that the late earl of Argyle was to get ten thousand pounds sterling, whereas our Scots people sought thirty thousand pounds which was to be sent over to Holland to provide arms, and the said earl was to land with those arms in the West Highlands of Scotland, and that Jerviswood was to be sent over with the money. Confesseth, Philiphaugh and he went to Gallowshiels' house, where they met with Polwart and Gallowshiels, that it was talked among them there that if England should rise in arms, it were necessary in that case, that so many as could be gotten upon the borders should be in readiness to deal with stragglers, and seize on horses, that thereafter they should join with those that were in arms on the borders of England, Confesseth, that in the case foresaid, it was said, that it was convenient that the castle of Stirling, Berwick, and some other strengths should be seized upon, and that the king's officers of state should be seized. It was also spoken of, that some persons should be employed to inquire what arms

were in that country. Confesses, it 1685. was spoken then, that the best time for Argyle to land in the west, was when there was some stir in England or Scotland, or words to that purpose. Confesseth, that every one desired another to speak to such persons as they could trust, by letting a word fall indirectly, upon supposition in case of the rising in England, concerning preparing themselves; and that he was after told by Philiphaugh that there was a word or sign among them, the sign was by loosing a button on the breast, and that the word was *harmony*. Confesseth, that at the house of Gallowshiels, he heard it spoken of, that the king by petitions or force might be brought to abandon his royal brother, and deliver him to a legal trial, or to this purpose, as a sure method for settling all disorders, and removing all grievances both in England and Scotland, and a certain step for secluding the duke from succeeding; that he heard it talked that Sir John Cochran was to come to Scotland with the rest of the Scotsmen."

Further, Philiphaugh and Gallowshiels, are adduced as witnesses against the earl, and their declarations are already more than once printed. The assize, January 6th, bring in the earl guilty of the crime of treason, and art and part therein, as being upon the contrivance of the conspiracy libelled, and concealing, and not revealing the same, and of accession to the design of excluding his royal highness the duke of York from succeeding, proven by the panel's confession. The lords sentence him to be executed as a traitor, and his fame, name, and memory extinct, &c. in common form, as above.

Upon the 4th of February, I find a letter comes to the council acquainting them that the king grants a remission to Walter earl of Tarras, now condemned to die, as to his life only; and orders him to be liberated upon his giving of good security to the council to compear when called. And March 10th, the earl is allowed by the council to go to the country for his health, upon his bond to compear when called.

The criminal court go on to execute some poor country people, for not disowning the late declaration of the societies. January

19th, Robert Miller mason in Rutherglen, and Robert Pollock shoemaker in Glasgow, so he is designed in the registers, other accounts bear, he lived in Kilbride parish, are indicted for treason, just in the terms above in George Jackson's case, December 8th last year. The probation is their own judicial confession before the council, that they do not disown the declaration. The assize bring them in guilty; and the lords sentence them to be hanged between Leith and Edinburgh, upon Wednesday January 23d. By other accounts I find, Robert Pollock was taken a little before the court in October last, and sent into Edinburgh; that he died at the Gallowlee, in great peace and full views of his right to eternal happiness. Robert Miller died with the former in much serenity and inward consolation. They were executed early in the morning, betwixt eight and nine of the clock. This declaration, as we heard, was a new handle to hurry a good many country people into eternity, who were not concerned in any rising, but merely for their opinion, and that they could not explicitly renounce the declaration. And none of them that suffered at Edinburgh, as far as I can observe, were any way concerned in the framing of it, and few or none in the publishing it. I meet with no more public executions at Edinburgh, till Argyle was taken. The king's death did cast things into a new shape: but we shall just now meet with abundance slain in the fields without any process.

I go on to some forfeitures before the justiciary court. Several who were cited to the parliament, as we heard, *ex abundanti*, are cited before the criminal court, and forfeited. I can give no reason for it, but in order to a present intromission with their lands and rents, which both put money in the pocket of some people, and very much straitened the gentlemen.

January 26th, the process begins against Polwart, Torwoodlee, and Salton. The council, November 13th, last year, order the advocate to pursue Sir Patrick Hume of Polwart for treason, and November 15th, he hath the same orders as to Torwoodlee. Why they were both delayed till this time I know not; they were happily out of the way, and the process went on in their ab-

sence. The above day, "Sir Patrick Hume of Polwart, George Pringle of Torwoodlee, and Fletcher of Salton, being cited and called to appear, and underly the law for treason, in contriving the death of his majesty, and the duke his brother, overturning the government, converse with rebels, and concealing of treason, and not compearing, are denounced rebels, and put to the horn, and all their lands, heritages, goods and gear forfeited to his majesty's use." January 28th, the council pass an act, which lets us into one reason why those good patriots were thus processed before the parliament met. "The lords of his majesty's privy council give orders to secure the goods and rents of the lairds of Salton, Polwart, Torwoodlee, and other declared fugitives before the justices, to be made forthcoming for his majesty's use."

We have already heard of Sir Patrick Hume of Polwart upon the second book, and his noble appearances for the liberty of his country, under the oppression of the duke of Lauderdale and his party; and the same spirit of liberty, as well as his concern for the protestant religion, moved him to appear against a popish successor, which we see from the mouths of the managers, was all that was in the pretended plot and conspiracy, about which they make such a noise now: and this same person had the honour to appear once and again afterwards, when earl of Marchmont, for the securing our holy religion and civil liberties from a popish pretender, by lengthening out the entail, fixing it upon the august, and now royal family of Hanover, and securing a protestant successor to this nation, which the historians of that period cannot fail to observe to his lordship's glory.

Mr Fletcher of Salton is likewise well known to the world, as one who endeavoured to make a stand against every thing he reckoned against liberty and property, and his appearances in our Scots parliaments since the revolution, are generally known. He is lately deceased, and was one of the brightest of our gentry, remarkable for his fine taste in all manner of polite learning, and his curious library, his indefatigable diligence in every thing he

thought might benefit and improve his country, his bold and brisk 1685. appearances against what he reckoned encroachments upon the privileges of the subject, as well as his sobriety, temperance, and good management.

The laird of Torwoodlee was likewise a gentleman of a fine spirit, and singularly religious. I think it will be acceptable to the reader, to have here an attested account, writ with much distinctness and integrity, I have lately received of the sufferings of that excellent family of Torwoodlee, which the worthy gentleman Mr Pringle, his son and heir, is ready to vouch in every article; and indeed he wanted not his own share in the sufferings of this time, though then but a youth: and I shall give the whole narrative together in this place, where it comes in natively, though some branches of it relate to the former period, and others to the succeeding years, and I persuade myself the reader will not weary of it.

"George Pringle of Torwoodlee, in the shire of Forrest, represented a family that had the honour and happiness to be among the first who publicly owned and stood up for our holy reformation from popery in that country; and through the several descents of it since, they have adhered to the same reformation rights, under all the attacks from the bloody designs of papists, or the violent encroachments of the episcopal clergy and their abettors. This gentleman in particular I am now accounting for, served the king in most of all the actions he had against the usurper in Scotland; yet this did not save him from the violence of that torrent, which carried almost all honest men and things before it after the restoration. And though he had some of considerable figure in that ministry, his friends, he was involved in the fine-act, and obliged to pay a considerable fine to the public, for his alleged compliance with the usurper, in acting as a justice of peace, a crime so universal, one would have thought, that in such a crowd of delinquents he might have passed unobserved; but he had behaved himself with too much vigour in restraining all manner of enormities, not to be taken notice of by a court and

1685. ministry that were upon the plot to unhinge the nations of all their principles, religious, or moral, that so they might free themselves of every thing that might be a dead weight upon the measures for our slavery, then laid down. This, with his refusing the ensnaring oaths of allegiance and supremacy then imposed, were the true ground of his sufferings about the year 1662. Mr Pringle from the year 1662 to 1681 lived in a close retirement from all public business. Though he did not conform to prelacy, yet he had no share in those struggles for religion and liberty at Pentland and Bothwell. His house was a sanctuary for all the distressed that came to him, and these were neither few, nor of the meanest quality; but as the measures for our slavery quickened, so did the troubles of honest men.

“The establishment of the succession to the crown upon James then duke of York, gave a clear view to all thinking people, what was to be the fate of our religion and liberty. The oath called the test, was to be the shibboleth of that time. The known trial of the earl of Argyle needs not be here repeated; but the escape of that great and good patriot opened a new scene of trouble to Mr Pringle. My lord came to his house, or near by it the night of his escape; his just haste to be out of the way had given him no time to provide either horses or money sufficient for what was fit for him to do. Mr Pringle served him in both, and furnished him with a trusty servant that knew the roads, who carried him into England, but both horses and rider were known before he got out of the country. From that time he behaved to be upon his guard. And one of these horses that carried off the earl was put in a neighbour's hand to compliment the duke of Queensberry, which was accordingly done, yet there was no safety for Torwoodlee at his own house, which obliged him to seek his lodgings in several retirements, which were kept so close, by God's goodness to him, and the faithfulness of those about him, that he could not be found out. In this time it was when the southern shires were ravaged by the laird of Meldrum's oppression, commissioned

from the council, with whom joined some other unnatural country gentlemen, such as Riddel of Hayning, Ker, Graden, Pringle of Blindlee, all whose names are now sunk. Summer 1684. Meldrum and Hayning having fined Mr Pringle for church-irregularities, exacted five thousand merks Scots from him, with a promise of security against any further prosecution, or if he were, that that sum should be allowed in the first payment. The receipt is yet in his son's hands. But within some weeks they being sharply reprov'd by the managers of our ruin, he was again cited before them, and fined in two thousand pounds sterling.

“But the pretended plot being trumped up, whereby Russel, Essex, colonel Sidney and others were executed in England, and Jerviswood, that worthy patriot in Scotland, Mr Pringle was sought for as concerned in it. At that time were taken up the earl of Tarras, Philiphaugh, and Gallowshiels; Sir Patrick Hume of Polwart and Torwoodlee escaped, the last by Meldrum's friendship, who since he could not make good to him the money he had got from him, did generously send him advertisement, that he was to send a party that night to apprehend him. He continued lurking till he got over to Holland, that happy receptacle for the distressed of all nations. But to heighten his family's sufferings, about eight days after the former, there came a second party to his house, where they seized his son, who had been abroad at the first search, a youth then of sixteen years, and carried him to Edinburgh, where he was shut up in prison, for more than three months, without the least crime laid to his charge. But the prison came to be so crowded before that time elapsed, that he was admitted to the exorbitant bail of five thousand pounds sterling, though still confined to the liberties of Edinburgh, and in two months more was ordered to attend the secret committee, that court of inquisition of those times, where, by the duke of Queensberry lord high treasurer, he was threatened with having every bone of his body broken, every joint disjointed, his flesh ript up, and boiling oil and lead poured into him, if he did not acquaint them who informed his

father of the party's coming (a barbarous office for a son to turn witness against his father!) and the executioner was accordingly brought. But upon second thoughts his punishment was turned to three or four weeks' close imprisonment in the castle of Edinburgh, where none were admitted to see him, or speak with him, except his keepers, or what was worse, the chaplain of the garrison, and so he was admitted a second time to a five thousand pounds sterling bail.

It was fit now king Charles should die, and his brother succeeds; upon which follows Queensberry's parliament, where the finishing stroke was given to the nation's liberty, and the king's dispensing power established by law, and these bloody and detestable statutes enacted, that are, to the indelible infamy of the projectors, a scandal to the protestant name, a terror to that age, and a warning, it is hoped, to all posterity, of the native tendency of absolute power, and indefeasible right. All that were processed before them were forfeited, among whom was Torwoodlee, who, among the rest of the malheurs of his forfeiture, had the misfortune to be betrayed by his friend at London; for when all, in the unhappy circumstances of his excellent lady, had secured their liferents according to their contracts, Mrs Pringle was denied hers, which obliged that afflicted family to transact with their oppressors, at the rate of ten thousand merks, more than they otherwise would have given for that oppressive composition. Meanwhile Torwoodlee made another escape to Holland, after the miscarriage of the earl of Argyle's design to save his nation, a design that was reserved, it seems, for the glorious achievement of the great king William. *In magnis voluisse sat est.* At that time his son was searched for by a party a second time, notwithstanding of the 5000 pounds sterling bail; but he offered himself to the government, and was confined for three months more to the castle of Blackness, where he was barbarously used by the governor, Livingstone of Bedlormie. And as if the melancholy lot of suffering had been confined to Mr Pringle's family, his brother, Mr Alexander Pringle in Cadenlie, was involved in his

sufferings; for his brother-in-law, Hayning, stretched his exorbitant power as far as it would go, till he left Mr Pringle nothing he could be master of. His very daughter that was married to Mr Pringle of Green-know, did not escape the inveterate malice of those oppressive times; for though her husband was severely fined, of which his sons have now the receipts, yet she also was forced to attend the several circuits of those arbitrary judges. Whatever inward supports Mr Pringle might have during his difficulties, I shall not pretend to tell the world; but I cannot forbear to mention the heroic spirit of his lady, who, in most of all the parts of his trials, gave him an account of their approach; and this not to affright or deter him from suffering for his country's interest, but to arm and prepare him for what he was to undergo. She bore all her difficulties with an unexampled serenity and evenness of temper; one evidence of which was, when the harpies of that time came and seized her estate, set her lands, and rummaged her house, her only son lay upon her hand, despaired of by the physicians, and her husband in hazard of a public death, for his firm adherence to the good old cause, she showed such contentment and acquiescence under all those complicated disasters, as is rarely to be found; and in her darkest night, rejoiced in the faith and hope of those days she lived to see after the revolution. She was a daughter of Brodie of Lethin, in the north of Scotland, a name very well known for a stanch attachment to their country's interest. She and Mr Pringle were happy together in their mutual love.

After the storm had blown over, he died July 1689, among the midst of his friends, regretted even by his enemies. His lady outlived him a year and some months, and left the world without pain or sickness; both of them rare examples of conjugal love, Christian patience, and an unshaken steadiness to a good interest. He was of a masculine presence and eloquence, his natural temper facetious, but still he was a check to all exorbitancies. He served his country in the convention of estates, called by the instrument of our deliverance, William prince of Orange; and, with his colleague

1685. Sir William Scot of Harden younger, voted the offer of the crown to him and his incomparable princess, April 1689. This gentleman, besides his personal hardships, had suffered considerably in his estate under our general oppression; for, because they could not reach his life and fortune they found means to affect his estate, for his mother's not keeping of the church, to the value of three or four thousand pounds sterling. She was a daughter of the house of Kilmarnock. I cannot go into the detail of every private sufferer; but considering the smallness of that shire of Forrester, there is none in the country, I think, went beyond them in all manner of trials."

When I have written over this clear and affecting account, as the reader and I am in the debt of that gentleman who sent it me, so I cannot but regret the want of such distinct narratives from other parts of the country, of many excellent gentlemen and others. Such as have come to my hands are carefully inserted, and from them and what is extracted from the public records, the reader will be in case to frame a tolerable notion of this black period.

To give all I meet with together as to this worthy family, April 21st, James Pringle younger of Torwoodlee gives in the following petition to the council, upon which they pass the following act. "Anent the petition presented by James Pringle younger of Torwoodlee, showing, that the petitioner being imprisoned in November last, by an order from the lords of the secret committee, and being thereafter examined, and having given full satisfaction to the council, as to any questions proposed to him, he was thereafter set at liberty, upon his finding sufficient caution, that he should confine himself to the town of Edinburgh and liberties thereof, and should not depart from thence without liberty from the council or the secret committee, and that he should appear before either of them when he should be called for: in obedience to which order and act of caution, he hath constantly staid in Edinburgh, and hath never gone without the ports since he was liberate; and seeing the petitioner is become very tender, and is fre-

quently subject to a bleeding and great pains, and that his confinement to Edinburgh, especially in the summer time, will much endanger his health, his mother being old and infirm, and not able to wait upon him in Edinburgh: likewise, the petitioner shall always deport himself as a peaceable and loyal subject; and therefore humbly supplicating his grace his majesty's high commissioner, and the council, to consider the petitioner's case, and his innocence as to any crimes, and therefore to discharge his confinement, and to allow him to go home to his mother's house, for recovering of his health. The lord commissioner, and the lords of the secret committee, allow the abovenamed James Pringle of Torwoodlee younger, to go to the country, and to pass and repass, on his giving bond with caution as formerly, to compear when called by the council and secret committee."

I meet with no more forfeitures before the justices till March 17th, when "Sir James Dalrymple of Stair, Montgomery of Langshaw, Mr Robert Martin late clerk to the justiciary, Mr Gilbert Elliot sometime writer in Edinburgh, Mr Robert Fergusson sometime chaplain to the earl of Shaftsbury, being oft-times called, did not compear, though cited according to law, for their being accessory to the late horrid plot against the life of his majesty and his late brother Charles II. their sovereign, being accessory to the rebellion 1679, reset and converse with rebels, and doing favours to them, are decerned outlaws and fugitives, put to the horn, and their moveable goods and gear to be escheat, and brought in for his majesty's use. The advocate declares he is satisfied no act be extracted against them, till May 16th next, when at his instance they are cited to appear before the parliament." We have noticed the reason why, though under citation, they are processed now. How far this procedure agrees with forms of law, I must leave to others; with righteousness and equity it does not, I am persuaded; and the advocate is so far convinced of this, that he is content extracts be stopped till afterwards. One may then inquire why is the act made, if the execution of it be stopped? I shall give all I

meet with in the justiciary registers, with respect to these persons together.

May 5th, the persons formerly cited to the parliament, whom I need scarce resume, "Ochiltree, Polwart, lord Melville, Langshaw, Mr Fergusson, Mr Martin, Kirkton, Cultness, West-shiels, Salton, earl of Loudon, Torwoodlee, Bassenden, and Mr Stuart indicted before the parliament for treason; yet that they may have *personam standi*, the lords allow relaxation to them, that they may propound their defences before the parliament, May 15th." But though the lords relax the law that they may come further under the lash of it, yet the estates of those who were put to the horn, and their moveables, were not restored, and indeed rendered useless to them. I meet not with them again till after the act of parliament is passed, and that court risen, and then such as the parliament had remitted to the justiciary are processed. July 16th, "Anent the criminal action intended and pursued before the estates of parliament, and now insisted upon before the justiciary against West-shiels, Mr James Stuart and Mr Gilbert Elliot, advocates. Their indictment is read. West-shiels is indicted, that he bound out persons to the rebellion 1679, and reset and harboured on his ground persons who had been there, corresponded with Bedlane a forfeited traitor, and sent money and supply to him, particularly paid to Robert Blackwood merchant in Edinburgh his wife, ten pounds sterling upon the said traitor his bill and order. James Stuart, that by writing and speaking he had stirred up his majesty's subjects to sedition (as before in his former indictment narrated); that in the year 1683, he was in a most damnable plot and conspiracy, entered into by the late earls of Shaftsbury, Essex, and Argyle, lords Russel and Gray, major Holms, colonel Richard Rumbold, Sir Hugh Campbell of Cesnock and his son, Sir John Cochran of Ochiltree, David Montgomery sometime of Langshaw, Sir Thomas Stuart sometime of Cultness, Sir Patrick Hume sometime of Polwart, George Pringle sometime of Torwoodlee, Mr Robert Martin, Mr Robert Fergusson and

other rebels, for taking away the king's life, and that of his late 1685. brother Charles II. his sovereign, for invading the kingdom. And the said Sir William Denholm of West-shiels, James Stuart, and Gilbert Elliot, went over to Holland, and negotiated, consulted, and contrived the said rebellion and invasion, and did treasonably and daily converse with the late earl of Argyle and Mr William Veitch, another declared forfeited rebel. And an act of parliament remitting them to the justiciary, was read, dated Edinburgh, June 16th, 1685. Our sovereign lord, with consent of the estates of parliament, does hereby remit to the commissioners of justiciary the process of treason intended against the heirs of the deceased James earl of Loudon, Sir James Dalrymple of Stair, James Stuart son to Sir James Stuart late provost of Edinburgh, Colin Campbell of Ardkinglas, Sir William Denholm of West-shiels, John Weir of Newton, John Hay of Park, Sir William Scot younger of Harden, Andrew Fletcher of Salton, Hume of Bassenden, Mr Gilbert Elliot, Walter Lockhart of Kirkton, to be discussed by them upon summons pursued before the parliament, which is hereby declared to be as valid as the persons had been summoned at the first instance before the justices; and hereby empowers the lords to proceed against them, and forfeit them for the conspiracy, and art and part therein, concealing and not revealing the same, and other crimes, notwithstanding they be absent." The lords find the indictment relevant, and remit it to an assize. The witnesses are, John Cochran, sometime Sir John Cochran of Ochiltree, depones, that James Stuart was at a meeting in Holland with the late earl of Argyle in April last; that Sir William Denholm of West-shiels conversed with the late earl of Argyle, came over with him, and was in the rebellion, and the same as to Mr Gilbert Elliot. John Cochran of Waterside depones *ut supra*, and that Mr Gilbert Elliot was clerk to the meeting of the rebels. Mr William Blackadder doctor of medicine, depones, he saw all the three in a room with the earl of Argyle, that West-shiels and Mr Elliot came over

with him. David Stuart younger of 1685. Cultness depones, they were several times in a room with the late earl of Argyle in winter last. Mr Thomas Archer depones, he saw Mr Stuart with the earl of Argyle at Utrecht two years ago, that West-shiels and Mr Elliot came over with him. The assize bring them in guilty, and the lords sentence them to be executed to death when apprehended, &c. and forfeit them. There is no more in the registers about the rest remitted by the parliament this year. I need not insist upon these worthy gentlemen now forfeited by the justiciary. Sir James Dalrymple of Stair is well known to the world, by his learned works and shining piety.* I have said somewhat before of Mr Stuart, for many years king's advocate since the revolution, a person every way eminent for religion, learning, and law, and far above any character in my power to give.† Mr Elliot,

* Sir James Dalrymple, the seventh baron and first viscount of Stair, was born 1609, educated at the college of Glasgow, and died 1695. His principal works are, the Institutions of the Law of Scotland, and Decisions of the Court of Session. During his exile he published at Lyons a curious Latin work entitled, *Physiologia Nova Experimentalis*. Of his "Apology for himself," published at Edin. in 1690, an unique copy is extant in the Advocates' library.—*Ed.*

† We extract the following condensed account of this distinguished man from the Edinburgh Christian Instructor, for Oct. 1813; where the reader may find some interesting extracts from his MS. notes on the Bible still extant. "He was the son of Sir James Stuart, provost of Edinburgh, and was born in August, 1635. He studied law, in which his attainments were great. Remarkable for his zeal in religion, and his attachment to presbyterian principles, he soon became obnoxious to government, and experienced a share of that persecution with which they endeavoured to bear down all their opponents. It was alleged that he had a hand in writing the well known paper, entitled, 'An account of Scotland's grievances, by reason of the Duke of Lauderdale's ministry, humbly tendered to his sacred Majesty.' In consequence of this, and on account of his general hostility to a despotical court, orders were issued, (Feb. 1675,) for apprehending him, and putting him into close confinement. Through the kindness of his friends, however, and the good providence of God, he escaped from the execution of this arbitrary warrant, and lived several years in retirement, applying himself closely to religious and professional studies. In 1679, 'upon information of his peaceable behaviour,' the king's letter, ordering him to be seized and imprisoned, was recalled, and he was again reposed to the royal protection. The active part which he

since lord Minto, is lately dead, and filled one room in the bench of justiciary, where this unjust sentence was given forth against him, as well as a place, in the college of justice, he so well deserved by his unshaken probity, integrity, and boldness against all unrighteousness and vice.‡ Sir William Denholm of West-shiels was a religious gentleman, of excellent abilities, of a plentiful fortune, and got to heaven some years ago after all his troubles§ I find by the council-registers September 11th, that they ordain the justiciary to examine witnesses as to the escape of this gentleman. The laird of Langshaw was a gentleman of an old family in Ayrshire, of an excellent and peaceable disposition, who sustained very great losses for his hearty appearances for his country, and the king's interest when at the lowest, and lurked a good while in Ireland, and after the revolution came home, and died in peace among his friends.||

took in behalf of the earl of Argyle exposed him to fresh troubles. He was one of the eight or nine advocates who, in 1681, gave a formal and legal opinion in favour of that nobleman, and whose interference gave so much offence to the ruling party. And as he could not plead in public, not having taken the oaths, he secretly drew up the state of the earl's case, which was sent to London for the consideration of government. This having been discovered, he was diligently sought for: but, after lurking a while in this country, he made good his retreat into Holland. Two years after, a process of forfeiture was raised before the court of justiciary, against him and many others, and he was soon put to the horn and forfeited. When toleration was established he returned home, and was promoted to the place of king's advocate—an office which he filled, during a considerable period, with distinguished ability. He died in 1713." It may not be generally known that the celebrated work entitled, *Naphthali*, was the joint production of Sir James Stewart, and of the Rev. Mr James Stirling, minister of Paisley.—*Ed.*

‡ The most curious information regarding this gentleman will be found in the memoirs of his friend Mr William Veitch, as edited by Dr M'Crie.—*Ed.*

§ Sir W. Denholm was restored after the revolution, and sat frequently in parliament as member for Lanarkshire. See act Parl. Scot. vol. x. & xi. *passim*. M'Crie's life of Bryson, p. 259.—*Ed.*

|| David Montgomery of Lainshaw was the name of this respectable gentleman. His lands were gifted to general Drummond who became afterwards lord Strathallan. It appears that Strathallan, (under what impulse is not known) resigned his rights to these lands; and a charter proceeding on that resignation and on

But I return again to the registers. March 6th, Mr Alexander Shiels is before the justiciary. When I was about to give the detail of this reverend person's sufferings, from his own original papers in my hands, I am prevented by a printed narrative, published from a copy of what he left as a narrative, without any design that in that dress it should be published. I have not had time to compare this with the original, but I suppose there are no great differences, and therefore I shall only set down what I meet with about him in the records.

By the council-registers I find general Dalziel ordered to send a party to Leith, to bring up Alexander Shiels and John Frazer, masters of arts, Andrew Crawford, Charles Gray, William Cunningham, William Oliphant, John Martin, and John Foreman, sent down prisoners from London; and March 6th, Mr Alexander Shiels being examined before the lords of justiciary, "did abhor, renounce, and disown in the presence of the almighty God, the late pretended declaration of war, in so far as it declares war against his majesty, and asserts it lawful to kill such as serve his majesty in church or state, army or country; and August 6th, Mr Alexander Shiels having signed the abjuration, owned the king's authority, but not upon oath, is remitted back to the council." And by their registers I find, August 7th, he is sent under a guard to the Bass. This is all I have observed about him in the records. I can only further refer the reader to the printed account, now in the hands of every body, where the circumstances and qualifications of his doing what is recorded in the registers, will be found.

Mr Shiels was a minister of extraordinary talents and usefulness, he was well seen in most branches of valuable learning, of a most quick and piercing wit, and full of zeal, and

a public spirit, and of shining and solid piety. By many original letters of 1685. his in my hands, I find him opposing the heights which some of the society people ran to; and whatever lengths he went in the troubled and oppressed state of the church, when rules can scarce be kept, yet, as soon as a door was opened for giving a testimony against what he took to be wrong in the disturbed state things had been in, he came in, and brought multitudes with him to join in public ordinances. At and after the revolution he was of singular use in the army, and valued by that great judge of men king William. After he had served God there he came home, and was settled at St Andrews, and was a successful, serious, and solid preacher, and useful minister in this church, till being moved with love to souls, and somewhat of the old apostolic spirit, he was pitched upon and prevailed with to go over with his countrymen to our national settlement at Darien in America, where, by letters under his hand giving a most particular account of matters there, I find his spirit was sunk with the divisions, impiety, and unrighteousness of too many of that handful, and perfectly crushed with the fatal disappointment of that undertaking, which, he shows plainly, had it been faithfully and well managed, would have been of unspeakable advantage to this nation, as well as to the holy Christian religion. He died in Jamaica of a short sickness, after they had left Caledonia.* After his death this church was brought under new debt to him, by the publishing of his essay upon church communion, which I wish were more read and considered by such who withdraw from this national church.

Upon the 30th of March, the lords have before them a process of treason against Thomas Kennedy of Grange, John Kennedy of Glenure, and Gilbert M'Michan of Kilsaint-ninians; all the three are indicted of marching with Mr John Welsh, Mr John Black, and some hundreds of rebels to Ayr, and from thence to Bothwell-bridge. The advocate insists only at this time against Grange, who is absent. One witness de-

a disposition from David, is granted by lord Montgomery to James, son and heir of David, dated 6th Oct. 1688. In 1690 the forfeiture is rescinded in parliament, and David Montgomery restored to all his civil rights. His son who succeeded him assumed the title of lord Lyle, and bore it till his death as representative of that noble family. The old family of Lainslaw is now represented by Sir James Montgomery Cunningham of Kirktenholme, Corsehill, &c. See Robertson's Ayrshire families, vol. III. *passim*.—Ed.

* See a scarce but curious work, entitled the History of the Darien Expedition, and M'Crie's Life of Veitch.—Ed.

pones, he saw him with the rebels
1685. when the heads were taken down at Ayr. Other three swear, that they knew not Grange, but they saw one whom others called so, at Irvine, when Mr Black proclaimed the traitorous proclamation drawn at Hamilton. The assize bring him in guilty. April 1st, the lords sentence Kennedy of Grange to be executed to death, and demeaned, &c. when apprehended, and forfeit him; and that same day Glenure is pursued likewise, for his accession to Bothwell. In his defence he propounds, that he was before the justiciary of Ayr, and assoilied by them upon his taking the test. The advocate alleges, that he was indicted there only for church irregularities, and opposes the king's letter empowering the justices only to meddle with these. The lords assoilie the pannel as *res hactenus judicata*. What becomes of M'Michan I know not.

May 6th, the justices go on to forfeit some more, for being concerned in Bothwell, in absence, and one of them some time ago dead. "John M'Ghie of Larg in Galloway, deceased, by an assize is found guilty of being in arms in company with the rebels, at the standing stones in Torehouse, and in the town of Wigton. When about threescore men came in there to search for arms, June 1679, John Russel of Catcraig, and John Russel of Arnes in Dumbartonshire, are found guilty by the assize, of being in arms with the rebels at Bothwell. The two last are sentenced to be executed to death, &c. when apprehended, and all the three forfeited, their blood tainted, &c. in common form."

By the council-registers I find James Napier, Allan Atkin, John Peirson, sentenced to die by colonel Douglas and the commissioners at Cumnock, are reprieved, and recommended to the secretaries for a remission. June 12th, their remission comes for the crimes of concealing the rebels who lately went through the shire of Ayr.

The trials of such as were processed after the invasion made by the earl of Argyle, Richard Rumbold, the earl himself, Cultness, Mr Thomas Archer, and several of the earl's relations, I shall leave to a section by themselves.

July 30th, the advocate is ordered to process before the justiciary, Thomas Stodhart, James Wilkison, Matthew Bryce, Archibald Campbell, Edward Stit, David Low, Gavin Russel, William Cunningham, John Muirhead, William Jackson, and Mr Alexander Shiels, for treason, rebellion, and not owning his majesty's authority, as also the heirs of the late duke of Monmouth, Fletcher of Salton, and Claud Alexander of Newton. August 6th, Thomas Stodhart, James Wilkison, and Matthew Bryce, are found guilty of treason by an assize, because they refuse the abjuration; and the lords sentence them to be hanged at the Grass-market, Wednesday August 12th. Thus after the soldiers are almost weary of killing in the fields, for alleged refusing of this oath, the justiciary of new condemn some more upon this score. By other papers I find they were executed as above. I have no further of Thomas Stodhart, but what is in his testimony published in the Cloud of Witnesses, where he says, he first received a sentence of banishment, and afterward, without the least provocation given by him, he was called to abide an assize, and condemned to die, because he owned the authority only in as far as agreeable to the word of God; and because he would not expressly disown and judge as to the apologetical declaration. His paper is very plain and natural for a common country man, and is as modest as many insert in that collection. Matthew Bryce lived in the parish of Carmunnock, and James Wilkison suffered with him and the former, not July 27th, as the Cloud of Witnesses have it, for they were only tried August 6th, but the day named, for any thing I know. These two were mostly urged with the oath of allegiance and supremacy, and being asked if they owned authority; they answered, they cheerfully owned all authority according to the word of God. Upon this restriction, and refusing the abjuration, they were condemned.

Since writing what is above, I am assured by an unquestionable hand, that this month Gavin Russel, with three others, were executed at the Grass-market; and that their carriage and speeches were much of the same strain with Mr Thomas

Archer's, afterward to be insert. We see one of this name is ordered to be prosecuted, but I have not observed him in the justiciary-registers, though in such a heap as is there, I may have overlooked him, and it is probable he was executed with these I have been giving some account of.

That same day they were executed, the lords, as it were, ashamed of cutting off so many, precisely upon their refusing such an oath, and against whom they had no matters of fact, have before them "William Cunningham, John Muirhead, and William Jackson, who having refused the oath of abjuration, and declared themselves willing to be banished," the advocate deserts the diet, and the criminal process is dropped, upon their signing an act of banishment, never to return to Scotland without license, under penalty of a thousand merks.

August 18th, Thomas Russel and John Henderson apprehended in Fife, as being murderers of the archbishop of St Andrews, when examined, deny the fact, but will not acknowledge it to be murder; and are appointed to be kept close prisoners. August 20th, Russel is banished, and John Henderson is ordered to be tried before the justices; but, October 17th, I find they make their escape from prison.

September 19th, John Welsh of Cornley forfeited, is committed to the tolbooth of Edinburgh close prisoner; and November 19th, Edward Marshall forfeited for being at the rebellion 1679, now prisoner in Falkirk, is appointed by the council to be brought in to Edinburgh; and, November 26th, they recommend it to the justices to meet, and appoint the time and manner of John Welsh of Cornley his execution; and in regard Edward Marshall will not own the king's authority, and was forfeited, that they name likewise the day of his execution. November 30th, the justices meet, and come to the following sentence. "John Welsh of Cornley, who was forfeited July 6th, 1680, and Edward Marshall heritor of Keymuir, forfeited January 17th, 1682, for treasonable crimes mentioned in the verdict of the assize, and decerned to be executed to death, demeaned as traitors, and underly the pains of treason when apprehended; and now being apprehended, the lords appoint them to be

taken to the Grass-market on Friday, December 4th, betwixt two and four 1685. in the afternoon, and there to be hanged till dead." December 4th, I find the council write unto the secretaries for a remission, in favours of Cornley, providing he take the test, allegiance, and abjuration. The managers had his estate in their hands very much since Pentland, and, I believe, he did not run to any heights in his principles, which could be a pretext for taking his life. But Edward Marshall of Keymuir, suffered with John Nisbet of Hardhill. He lived in the parish of Morrenside, and I have no further accounts of him but what are in his speech printed in the Cloud of Witnesses. Therein he leaves his testimony against all who had gone contrary to the covenanted work of reformation, and acknowledges he was at Bothwell, and that he could never acknowledge it to be rebellion. He further signifies, that in his examination, probably before the council, he was interrogate, if he owned the authority of king James VII. answered, 'That he owned him as far as he owned God his cause, and people.' On which some present said, 'That was not to own the king at all;' which, whether in jest or in earnest, had truth in it.

October 8th, the council order the advocate to process the heirs of John Martin in Ayr, and John Fergusson sometime in Enterkin-mains, for their being at Bothwell, and to take precognition in terms of his majesty's letter. Nothing offers this year about them in the justiciary books.

I come to end this section with the process against John Nisbet of Hardhill, in the parish of Loudon. He had been a person very active for religion, and the preaching the gospel in the fields; and the persecutors, as we have heard, had been very particular in their inquiries after him, but he escaped till the close of this year. And I shall insert an account of him, and his being apprehended, from the Cloud of Witnesses, and his examination at Edinburgh, from an original letter of his in my hand, and his process before the justiciary, from their books.

About the year 1664, Hardhill having had a child baptized by a presbyterian minister, was sorely persecuted by the

curate, and he came the length as to
 685. intimate from the pulpit, that next sabbath he was to excommunicate him; but in this he was prevented, being himself carried into eternity before that time came about. Hardhill was both at Pentland and Bothwell. At Pentland he was so sore wounded, that he was neglected by his enemies as dead, and yet crawled away and escaped. At Bothwell he was a captain, if I mistake not. He was a person of much courage and hardiness, and of a considerable warmth of spirit, and great zeal for what he set up for. He went to as great heights as many of the persecuted party, in setting up against the king's authority, and in taking a different course from the rest of the presbyterians in this church. He was employed in publishing most of the societies' declarations at Sanquhar and other places; as we shall, from his own letter, find what sweetness he had in his last sufferings. In November this year, he, with three of his fellow sufferers, were surprised in a house in Fenwick parish, by lieutenant Nisbet, a cousin of his own, as I am told, by a party of soldiers. They defended themselves, and when resisting, the other three were killed upon the spot, and Hardhill sore wounded. The lieutenant caused him to be bound, and asked, what he thought of himself now. He answered, "I think as much of Christ, and his cause, for which I suffer, as ever; but I judge myself at a loss, being in time, and my dear brethren, whom you have murdered, being in eternity." The lieutenant swore, he had reserved him for a further judgment. John answered, "If the Lord stand by me, and help me to be faithful to the death, I care not what piece of suffering I be put to endure." By the council-registers, I find that, November 12th, they send a letter of thanks to Colonel Buchan, for taking Nisbet of Hardhill, and desire he may be sent in under guard, and that inquiry be made who harboured him; and, November 21st, a letter is read in council, from the colonel, with which he sent the deposition of Hardhill, and two or three other papers relative to the societies. That day probably he was first before the council, who, November 26th, ordain him to be prosecuted before the

justices. From other papers I observe, that the party who seized him, carried him that night to Kilmarnock, and next morning to Ayr, where he was examined, and sent in under a guard to Edinburgh. His treatment there I shall give from a letter before me, writ by himself to a friend, and I shall insert much of it here, as the best account I have of his trial before the council. He tells the person he writes to, "That he had left a relation of the manner of his taking and his examination at Ayr, in the west country. When he came to the guard he endured much reproach, and was vexed with a multitude of idle and useless questions. When he was brought before the council, he knew Perth, Linlithgow, and bishop Paterson, and several others were present. The counsellors told him, they believed he was acquainted with every thing among the rebels, and the lords of his majesty's council would take it as a favour, if he would ingenuously tell what he knew, that the peace and good of the nation might be secured. He told them, when they came to particulars, he should speak nothing but the truth, for he could say, he was more afraid to lie than to die; but he hoped they would be so much Christians as to press him to answer nothing that would burden his conscience. They asked him, what they did in their societies and meetings. He answered, they sang part of the psalms, read some of the scripture, and prayed time about. They asked him next, why they were called societies. He answered, he was surprised at such a question, since the thing was plain, and the name such meetings had in the best times of this church. They asked, where they were kept. He answered, in the wildest muirs, and most retired places. They asked, what they did at their general meetings. While he stopped a little, considering what to say to this, one of them answered, and gave a more particular and distinct account of every part of their way, (he says) than he could do. Then he was asked, if he would own the king's authority. He answered, he would not. They asked his reason, and posed him, whether he owned the scriptures and Confession of Faith, naming several places of scripture, and the 23d chapter of the

confession. He answered, he owned both with all his heart, but the king was a Roman Catholic, and himself had been not only educate a presbyterian, but solemnly sworn against popery. They replied, what is that to you, his being popish does not bind you to be so too, and hinders you not to live in your own religion. He replied, the contrary appeared, and no liberty was given to hear the gospel, and they were put to the hardest sufferings for hearing it. They said, it was not so, they might have the gospel to hear when they pleased, but their wild principles would not suffer them to hear it. He said, the contrary was well known, and that they had taken away presbyterian ministers, and left none in the nation within their reach, and put such in their places as are profligate wretches, so that poor people neither care, nor dare join with them. They asked him next, if he, and such as he joined with, were clear to join with Argyle. No more, answered he, than with you. Another asked, if they would have joined Monmouth. He answered, No. Said another, in banter, it seems they will have no king but Mr Renwick, and asked him if he conversed with any other ministers than Mr Renwick. John answered, he did not. This, adds he, is what passed that was material. As to drinking of healths, never one of them spoke one word to me, east or west. As to praying for their king, one of them said, he knew I was that much a Christian that I would pray for all men. I told them, I reckoned myself bound to pray for all, but prayer being institute by a holy God, who was the hearer of prayer, no Christian was obliged to prayer, when every profligate commanded them; and it was of no advantage to their cause, when they suffered such a thing." He adds, "How it may be with me afterwards, I cannot positively say, for the Lord is a free sovereign, and may come and go as he pleaseth; but this I can affirm, he hath not quarrelled with me for any thing since I was a prisoner, but hath always waited to supply with all comfort, consolation, and strength, as my necessity required. And now when I cannot lay down my own head, nor lift it up without help, and the irons are

upon my legs, yet of all the cases I ever was in, I had never more content-^{1685.} ment. I can now give the cross of Christ a more noble commendation than ever; it was always pleasant and sweet, but never so pleasant and sweet as now: under all my wanderings in all my toilings, a prison was still terrifying to me, but immediately at my taking, he shined so on me, and ever since, that he and his cross is to me far beyond whatever he was before. Therefore, let none scar or stand at distance from their duty for fear of the cross; for now I can say from experience, that it is as easy, yea, and more sweet to lie in prison and irons, than it is to lie at liberty. But I must break off at present."

The council having remitted this good man to the justiciary, by their books, I find him indicted November 30th, the advocate restricts his libel to his being at Drumclog and Glasgow at the rebellion, fighting against his majesty's forces, and being at a late field-conventicle, and being in arms and opposition to his majesty's forces when apprehended. The lords find the indictment relevant, and remit it to an assize. For probation, the advocate adduceth his own judicial confession before the council, as follows. "John Nisbet of Hardhill, prisoner, confesseth, when examined, that he was at the rebellion at Pentland-hills in arms; that he was present with the rebels at Drumclog, had arms, and made use of them against the king's forces; that he was with them at Glasgow; that he was present at a field-conventicle within these two months, betwixt Eaglesham and Kilbride; declares, that the late earl of Argyle, the time he was in rebellion, sent one Cleland to him, and those who were in his company, to see if they would join him, which they refused to do, in respect the said Cleland told them, that the said Argyle and his party were against all kingly government. Jo. Nisbet."—Before I go further, I take the liberty to observe, that John Nisbet, in his own account just now insert from his letter, takes no notice of this as the reason why they joined not with Argyle, though, had it been fact, it is probable he would have set it down to his friend, as well as other things of less

importance. And from the original
 1685. records of the society people, in my hands, I find a question proposed what they should do, and whether they should join with the earl of Argyle and his party, at one of their general meetings, where, I make no doubt, Hardhill was; and their conclusion, and the reasons of it, will best appear in their own words. "It being desired the societies should join with those now appearing in this land, and they expected to be more solicited for that end, wherefore it was judged fit to speak of, and deliberate upon this at this meeting, whereby they might know one another's minds; and therefore it is declared, they could not espouse Argyle's declarations, as the state of their quarrel, because not concerted according to the ancient plea of the Scottish covenants, and because it opened a door for a sinful confederacy; yet they were resolved, willing, and ready to do what lay in their power, against the common enemy." I need not vindicate the earl of Argyle, and those with him, from any designs against monarchy; their own declarations sufficiently clear them from this. And therefore, though I have insert this passage of Hardhill's confession, as it stands in the records, yet I am scarce able to persuade myself, that John Nisbet gave any such declaration, and I have met with so many things not agreeable to fact, set down in sufferers' examinations, either of design or by haste and mistake, that this clause inserted here hath very little weight with me: however that hath been, this single testimony can leave no blemish either upon that design in general, or that fine gentleman colonel Cleland, who was far from any such republican projects; however, it might be insert in the registers by some people, with such a design. But to return to the records. "This confession being read to him, he adheres to it before the assize, but refuses to subscribe it. The assize bring him in guilty, and the lords sentence him to be hanged at the Grass-market, December 4th, betwixt two and four in the afternoon, and that all his lands, goods, and gear, be forfeited to the king." The sentence was accordingly executed. Notwithstanding of his grievous wounds,

he was most unmercifully loaded with irons all the time of his imprisonment. He died in much assurance, and with a great deal of composure and Christian courage.

Thus I have gone through the public executions at Edinburgh this year, except those which relate to the earl of Argyle and some with him. We shall meet with no more public executions at Edinburgh, till that of Mr Renwick, in the year 1688. Whether this proceeded from the plan of the removal of the penal statutes, now a concerting, or from what other reason, I do not determine; but it must remain an indelible reproach upon the managers, under the last seven years of a professed protestant's reign, that more protestant blood was shed, merely for principle and conscience, in some months of that period, than in all the four years' reign of a bloody papist. Indeed that same blood so plentifully shed in the end of king Charles' reign, was certainly owing unto the violent measures of the duke of York and his adherents, together with the active importunity of some of our bishops and clergy, who came likewise very much into the scheme now laying down, though not all of them. And I would not, by this incidental remark, be thought in the least to soften the just aversion every man and Christian ought to have against popery, which still is, and must necessarily be, of the same hellish, cruel, and inhumane nature, under all its various shapes. But this same great spring of cruelty and severity, when in a more private capacity, set nominal protestants against real ones, and endeavour to make them cut off one another; and when he came to a more extensive sphere, and had laid the plot to cut off the whole protestant name, for some time he saw good to bind up the hands of his under-managers, still ready enough to persecuting work, in order to get in the abolition of the penal laws against his friends, and the plot better carried on for his project of the general ruin of the reformation. And we shall find abundance of blood shed in the fields, and up and down the country this year, and some of the following also, by the soldiers in their daily murders, which no doubt likewise lessened the number of

those who otherwise might have been cut off with a little more formality. I come next to give some accounts of those.

SECT. VI.

Of the murders in the fields, the barbarous drowning of women within the sea-mark, the murder at Polmadie, and others this year.

AFTER the accounts of the criminal processes in the former section, where some sort of form was kept, though without equity and righteousness, let us now take a view of the less decent, and sudden executions, as they were called, or rather authorised murders in the fields, which were extremely frequent, especially in the first half of this year. We have heard of the warrants, may I call them so, given for them, and which is worse, and makes the guilt more national, we shall find these unprecedented acts of council this year, ratified in parliament. The deaths of the persecuted wanderers are so numerous, in the space of three or four months' time, that I cannot give accounts of them all. The soldiers did not give themselves the trouble to keep close, even by the orders given by the council, and called no witnesses in many cases; and good numbers were massacred, of whom no accounts can now be given. Perhaps no such period as this year, during some months of it, hath ever been in any protestant country. I know of no order to give them in, but that of the time when they were committed, where the dates are come to my hand; and I have several other narratives without any date, save the year, which shall likewise be added. We have already had some instances last year, of murders committed before these express powers were granted to the soldiers, and in December last, after the orders, we heard of several cut off in the south. I come now to those of this year.

January 23d, colonel James Douglas, lieutenant Livingston, and cornet Douglas, with a party of horse, surprised the six persons underwritten, at prayer in the Caldunes, in the parish of Monigaff in Galloway. Their names, and indeed it is all almost I can give in the numerous instances

before me, were, James Dun, Robert Dun, Alexander M'Aulay, Thomas Stevenson, John M'Clude, and John Stevenson. 1685. Nothing was to be charged upon them, but that they were persons upon their hiding, and at prayer. Whether the oath of abjuration was offered or not, my information doth not bear; but without any further process they were immediately taken out, and shot to death.

Upon the 30th of the same month, a party of fifty soldiers commanded by John Dalziel, son to Sir Robert Dalziel of Kirk-michael, and lieutenant Straton, fell in with some of those who were upon their hiding, asleep in a shiell in the parish of Morton, in Nithsdale. My information bears, they all made their escape, but Daniel M'Michael who was sickly, and not able to flee. The soldiers wounded him at his being taken, and he was that night carried to the parish of Durisdeer. The captain put many interrogatories to him, which he declined to answer, and laid many things to his charge, which he denied, and said he knew nothing of. At length he was told, that unless he presently submitted unto, and owned the government both in church and state, and as an evidence of this, swear the oath he offered him the benefit of, the law made him liable to present death. Daniel was a very sedate sensible country man, and said, 'Sir, that is what in all things I cannot do, but very cheerfully I submit to the Lord's disposal as to my life.' The commander replied in some pet, 'do you not know your life is in my hand?' the other modestly replied, 'No, Sir, I know my life is in the Lord's hand, and if he see good, he can make you the instrument to take it away.' Then Daniel was ordered to prepare for death to-morrow; all he said, was, 'If my life must go for his cause, I am willing, my God will prepare me.' That night he enjoyed a sweet time of communion and fellowship with God, and great outlets of joy and consolation, so that some of the soldiers desired to die his death, and not a few convictions were left in their bosoms. To-morrow, January 31st, he was brought out to the fields at Dalveen, in the parish of Durisdeer. He had the liberty granted him, which many of his fellow-sufferers had not, to

1685. pray, which he did to the wonder of the by-standers. He sang part of the forty-second psalm, and read over the sixteenth chapter of John, and spoke with much gravity and solidity to captain Dalziel. And then after the napkin was put upon his head, he said, "Lord, thou brought Daniel through many straits, and hast brought me thy servant hither to witness for thee and thy cause; into thy hands I commit my spirit, and hope to praise thee through all eternity." And then gave the sign to the soldiers to do their work; and four of them who were appointed, shot him dead. So convincing was this man's carriage and death, that some of the poor soldiers were for some time after in confusion, for their obeying commands in this matter; but a little money, and some more ravages, quickly calmed their convictions. This man lies buried in the church-yard of Durisdeer.

Some time this month, Thomas Mac-hassie son to John Mac-hassie in the Larga, in the parish of Straiton in Carrick, was despatched very quickly. This good man was lying in his house very ill of a fever, captain Bruce and a party of soldiers coming into the house, put their questions to him, which he refusing to answer, and declining to take the abjuration oath, they took him out of his bed to the high road near by, and without any further process, or any crime I can hear of laid to his charge, shot him immediately.

By attested accounts from that same parish, I find, that this year Thomas Stevenson, brother to John Stevenson in Barbeath, and John Stevenson, son to Thomas Stevenson in Star, and James Mac-lave there, all in the parish of Straiton, were shot in the fields without any process, merely upon their refusing the abjuration.

February was a very bloody month. The king's death put things to some stand at Edinburgh, and the processes in form and under colour of law, were not so frequent; but the fury of the soldiers up and down the country seemed rather increased, by this turn of public affairs. I shall first give those murders, whose precise dates I have, and then add such as I find were some time this month.

Upon the 19th of February, captain

Bruce with a party of soldiers, surprised six of the suffering wanderers, in Lochin-kit-muir, in the parish of Orr in Galloway, and shot four of them upon the spot, without any further process, viz. William Heron, belonging to the parish of Glencairn, John Gordon, William Stuart, and John Wallace, Galloway men. The other two seized by them, were Alexander M'Robin or M'Cubin, of the parish of Glencairn, and Edward Gordon from Galloway. Then the captain carried with him to the bridge of Orr, where the laird of Lagg was violently pressing the abjuration upon the country people. When they came up, Lagg presently would pronounce sentence upon them, being, as we heard, one of the commissioners in those bounds, and they refusing to swear, the captain insisted, that since four already were summarily executed, an assize should be called and they found guilty. Lagg swore bloodily, that he would seek no assizes, and in a bravado, said before all the country people, that all who had taken the oath had sworn these men's doom. The captain got the matter put off till to-morrow. And next day they carried them to the parish of Irongray, whither Lagg and the party were going, and hanged them upon an oak tree, near the kirk of Irongray, at the foot of which they were buried. When at the tree scot, an acquaintance of the said Alexander's asked him if he had any word to send to his wife. He answered, "I leave her and the two babes upon the Lord, and to his promise, a father to the fatherless, and husband to the widow, is the Lord in his holy habitation." When the person employed asked him forgiveness, he said, "Poor man, I forgive thee and all men, thou hast a miserable calling upon earth." They both died in much composure and cheerfulness.

Upon the 21st of the same month, captain Bruce, and some informations before me bear, colonel Douglas was with him, killed five men at Kirkonnel, but their names I have not; and whether they may fall in with some whose death I have without a date, I cannot say; but in a few days this man sheds a great deal of innocent blood.

I have before me an attested account

signed by persons present, of a very barbarous execution in the parish of Bar, upon the 28th of February. That day very late, about eleven at night, lieutenant, or cornet James Douglas, with twenty four soldiers, surrounded the house of Dalwin, in the foresaid parish, having got information that there were whigs there. They apprehended David Martin, brother to John Martin of Dalwhairn, who dwelt there with an old woman his mother : and finding Edward Kyan a pious good man from Galloway, lately come thence to buy corn, who had fled in betwixt the gavel of one house, and the side-wall of another, they dragged him out, and took him through a yard. He was asked where he lived, and told them, upon the water of Menock. When one of the soldiers had him by the arm dragging him away, without any warning, further questions, or permitting him to pray, the said lieutenant, who was governor of the garrison at Balwhan, shot him through the head, and presently discharged his other pistol, and shot him again in the head, when lying on the ground struggling with death ; and one of the soldiers of the party coming up, pretended he saw some motion in him still, and shot him a third time. Thus they delighted to mangle the poor people that fell in their hands, and to abuse their very bodies. He was but a youth, and could not have been at Bothwell, or any of the risings, and they had indeed nothing to charge him with but his hiding himself. When they had thus despatched this man, the soldiers brought out David Martin to the same place, and after they had turned off his coat, they set him upon his knees beside the mangled body. One of the soldiers dealt with the lieutenant to spare him till tomorrow, alleging they might get discoveries from him, and stepped in betwixt him and six soldiers who were presenting their pieces. Thus the Lord sometimes makes the earth to help the woman. The lieutenant was prevailed with to spare him, and bring him into the house. However, David, through the fright and terror, lost the use of his reason in a great measure, and fell into a palsy, and continued bed-fast, and much

useless for near four years, till his death. The soldiers beat and wound- 1685. ed terribly two other men who lived hard by, against whom they had nothing, Thomas Abercromby father and son. They beat and abused the women most barbarously, and carried away David Martin, and one of the Abercrombies, prisoners with them to Colmonel next morning, being the Lord's day. This barbarity needs no observations, and lets us in to see the manner and temper of this time, when men devoured one another as the fishes of the sea ; and from it we may guess at the barbarities exercised in other cases, where the accounts are not so distinctly preserved as here.

Not a few others were thus killed in cold blood, without any indictment or process, this month, of whom I have scarce any other account but their names. William Adam in Middle-Welwood, who was in no Porteous roll, nor any way chargeable, was threshing in his barn, and seeing Sir John Dalziel's company of dragoons coming, fearing they should come in upon him in the barn, and propose their ordinary questions, went out at the back door, and hid himself in a marish ground among some bushes. The party seeing him flee, searched for him, and discovering him, instantly killed him.

Captain Bruce in the parish of Kirkpatrick surprised, and instantly shot three men, Wallace, Edgar, and a third whose name I have not. And colonel Buchan, with the laird of Lee, and the soldiers under their command, without any process despatched Smith, in the parish of Lesmahago. We heard of one of this name formerly killed by the soldiers.

The accounts of this month shall be ended with the murder of that excellent person John Bell of Whiteside, and four more with him. I have little or nothing of any of the rest, but a pretty distinct account of Mr Bell, and it deserves a room here, as what is justice to the memory of this good man. Mr Bell was the only son of a gentlewoman, heiress of Whiteside, who after his father's death was married to the viscount of Kenmuir. He was a

1685. singularly pious and very sensible gentleman, and since Bothwell he had endured a sore fight of tribulations. Immediately after Bothwell his house was rifled, three good horses taken away, and all the furniture the party expected to make any thing of. In the year 1681, Claverhouse came, and lay with a party several weeks at his house, till they had eaten up all the provision that was there, and when that was done, they forced the people about to bring them provision, till they with their horses eat up all his meadows. And when these began to fail them, they went off, spoiling every thing in the house, and what they could not carry with them, they sold to the people about for meat and drink; yea, they broke down the very timber of the house, and burnt it, and so spiteful were they, that they destroyed the planting. Likewise they took with them his whole stock of sheep, which were many, and all his horses. And Claverhouse took upon him, without any warrant I can observe, to gift his whole crop to the curate, who accordingly took it all for his own use. Many were the straits this excellent gentleman was put to in his wanderings those four or five years, which I must pass, and come forward to his murder. Some time this month, Sir Robert Grierson of Lagg, with some of Claverhouse and Strachan's dragoons, probably upon some information about Mr Bell of Whiteside, came into the parish of Tongland in the stewartry of Galloway, and there, upon the hill of Kirkcounel, surprised him, and David Halliday portioner of Mayfield, Andrew M'Robert, James Clement, and Robert Lennox of Irington, and most barbarously killed them on the spot, without so much as allowing them to pray, though earnestly desired, and, as several accounts before me bear, after they had surrendered themselves, and he had promised them quarters. And it is a frequent remark, in many papers before me, that that bloody and unnatural man used, whenever he seized people in the fields, immediately to despatch them, without allowing them time to recommend themselves to the Lord. In this case Mr Bell, whom Lagg knew well enough, earnestly desired but a quarter of an hour to prepare for death; but the other peremptorily refused

it, cursing and swearing, 'What the devil! have you not had time enough to prepare since Bothwell?' and so immediately shot him with the rest, and would not suffer their bodies to be buried. A little after this barbarous murder, the viscount of Kenmuir, Claverhouse, and Lagg, happened to meet at Kirkcudbright, where Kenmuir challenged Lagg for his cruelty to one whom he knew to be a gentleman, and so nearly related to him, and particularly that he would not permit his dead body to be buried. Lagg answered with an oath, 'Take him if you will, and salt him in your beef-barrel.' Whereupon the viscount drew upon him, and had run him through, if Claverhouse had not interposed, and parted them. Dreadful were the acts of wickedness done by the soldiers at this time, and Lagg was as deep as any. They used to take to themselves in their cabals the names of devils, and persons they supposed to be in hell, and with whips to lash one another, as a jest upon hell. But I shall draw a veil over many of their dreadful impieties I meet with in papers written at this time.

This same fearful work went on apace in March and April this year. I begin with the death of William Smith in the parish of Glencairn in Nithsdale, a country man's son there. Cornet Bailie of the garrison of Kaitloch, March 2d, met with this young man in the fields near his father's house, and had nothing to lay to his charge save his refusing to answer his interrogatories, and carried him that night to the garrison. To-morrow his father hearing of it, prevailed with his master John Lawrie of Maxwellton, to meet with the cornet at the kirk of Glencairn, as he hoped, to get his son liberate; but it proved otherwise to his great grief. Upon the third of March, William was brought before them, and refusing to answer the queries put to him, Maxwellton immediately passed sentence of death upon him, by virtue of the power he said he had as a commissioner. The cornet opposed this, as what was illegal, unless he would call an assize and judge him; but this blood-thirsty man would hear of no delay, and threatened to delate the cornet for sparing him so long. Accordingly he was carried out to the Race-muir near by,

and shot to death by a party of the soldiers. He died with a great deal of holy composure and courage, and in full assurance of faith, declaring to the spectators that he died for no rebellion, or any crime could be laid to his charge, but only upon two heads, for converse with the persecuted people, as they came and went, which he had acknowledged, and his refusing to discover their haunts and lurking places. He said much for the comfort of his parents when he took his farewell of them.

This same month, as my accounts bear, but perhaps this might fall out at another time, since the figures of the years in some narratives before me are faded, and the ink ill, but the fact is certain, lieutenant Murray was going through the parish of Lesmahago, and met one John Brown in the fields, and promised him quarters at first, he making no resistance, but afterwards changed his mind, and without any process or sentence, shot him in a few minutes near the Blackwood in that parish.

Upon the 29th of April, there was a very bloody murder committed upon five persons near Ingliston, in the parish of Glencairn. I give it here from a narrative writ at the time. Some of the names differ from those in the Cloud of Witnesses. The occasion of their being seized, and of the taking and surprising of several others of the wanderers at this time, was this. A profligate villanous informer and apostate, Andrew Watson, pretended to be a sufferer, and last winter and this spring, went up and down among the people who were upon their hiding. I little question, but it was this same Watson formerly named, as concerned in the murder of Mr Peirson at Carsphairn, and that he prompted them very much to that attempt; and so cunningly was the game laid, that when before that, the suffering people suspected him a little for his forwardness and neglect, as far as they could observe, of that closeness in secret duty they wished for; and after they had much deserted him since Carsphairn business, he got himself to be apprehended, and carried to Dumfries, and had a sham sentence of death passed upon him all by concert. We need not doubt but he

escaped; and he came, and again essayed to join the wanderers, but they ^{1685.} suspected him, and kept at a distance from him so that at length he cast off the mask and listed in the army. However, by this time this base deceiver came to be tolerably well acquainted with their haunts and lurking places, and discovered them through Galloway and Nithsdale; and among others, he made known a cave near Ingliston, which had been a place of safety and secrecy to not a few, for several years. Accordingly, colonel James Douglas, and lieutenant Livingstone, through by-paths, and unusual ways, came suddenly to this cave, and surprised in it, John Gibson brother to James Gibson of Ingliston, heritor of the ground, James Kennoch in Glencairn parish, Robert Edgar fled lately from his house for refusing the abjuration, Robert Mitchell from the parish of Cumnock in Ayrshire, and Robert Grierson a Galloway man. When the soldiers came up, they shot in on the cave, and wounded one of them, and then rushed in upon them; and without any questions asked, or offers made, colonel Douglas immediately passed sentence upon them, to be taken out and shot, though nothing could be laid to the charge of any of them, but that they were hiding. It was much that any of them were allowed to pray before their death. John Gibson was first shot, and permitted to pray, which he did to the admiration and conviction even of the soldiers themselves. He sang part of the seventeenth Psalm, and read the sixteenth of John, and after praying again, was shot. His sister got in to him by the compassion of some of the soldiers, and he encouraged her greatly, and told her, this was the joyfulest day ever he had in the world; and in a little, his mother getting in to him, he requested her not to give way to grief, but to bless the Lord upon his account, who had made him both willing and ready to suffer for his cause and interest. The rest were despatched all at once, without being allowed to pray separately. They had great peace and consolation, and all of them were shot dead, except one who was not perfectly killed; and when this was observed, one Fergusson an apostate, and once among the sufferers,

now in the army, drew his sword, 1685. and thrust him through the body. When the poor man was weltering in his blood, and that of his brethren about him, he cried out, 'Though every hair of my head were a man, I am willing to die all those deaths for Christ and his cause.' These were his last words. They lie buried in Glencairn church-yard. Another account bears, that an old woman, the mother of one of them, was seized by the soldiers, and carried prisoner to Dumfries, where she was threatened with drowning, because she had reset her own son.

A signed and attested account of the murder of John Semple, in the parish of Dally, in the shire of Ayr, in his own house at Eldington, is come to my hand lately, and I shall insert it in the words of the attested narrative. "John Semple was a person who lived a very quiet and innocent life with his wife, and three or four children; he never carried arms, nor gave the least disturbance to the government, only from a principle of conscience came not to the church to hear the episcopal ministers; and being given to hospitality, and of a compassionate temper, he did sometimes harbour those poor people who were then hunted for their lives. Upon these accounts, April this year, Alexander Fergusson of Kilkerran, living at Moorston, a country house about a mile from Eldington, went to Blawhan garrison, commanded by Dundas, and informed against John Semple. The commander detached a party about sun-set, Alexander Fergusson being their guide, who conducted them first to his own house at Moorston, where they supped. And about midnight, when they reckoned he would be at home, and all ready for their purpose, they came straight towards Eldington, and surrounded the house. John Semple hearing the sound of their feet about the house, and a confused noise of whispering, dreaded what was the matter, and having a right thought of their design, considered with himself what to do in that extremity, and at length concluded to venture his escape out at a narrow window, which while he was endeavouring, and half out and half in, five or six of the party

espied him, and discharged their pieces at him, and killed him dead on the spot. After they had perpetrated this murder, as if they had done some worthy exploit, they and the said Fergusson went to the barns of Bargeny, and drank and caroused till next night. An honest woman near that place, in a little time meeting with Fergusson, challenged him, how his conscience suffered him to be thus accessory to the death of that innocent man, who left a wife and four or five small shiftless children behind him. He scornfully replied, that it was a piece of kindness done to her and them, since her husband, with those he entertained, would have eaten up all they had." This is attested by several honest people yet in that parish, from their particular knowledge of all its circumstances, Gilbert M'Lurkin, Thomas Alexander, and others.

Some time this month, Peter Inglis, a very cruel soldier, shot John Burrie in the parish of Evandale, as he met him, although he had his pass in his hand, and had showed him it. Nothing would satisfy this man of blood, but the life of this innocent, whom he would have to be one of the wanderers. No doubt, in this multitude of murders at this time, there are several of them not come to my knowledge, and the reader hath but short accounts of some of them; but, from the particular and attested narratives of others, he may form an idea of the rest.

The month of May opens to us yet a more dismal scene of unaccountable bloodshed; and I may well begin with the horrid murder of that excellent person John Brown of Priestfield,* in the parish of Muirkirk by Claverhouse, the first of this month. Scarcely ever have I met with greater encomiums of a country man, than I have of this person, from people of sense and credit yet alive, who knew him. He had a small bit of land in that parish, and was a carrier to his employment, and was ordinarily called the Christian carrier. He had been a long time upon his hiding in the

* The proper name of the place is *Priesthill*. See a very interesting account of John Brown and Hugh M'Kail, lately published in 18mo. at Glasgow, with a preface by William M'Gavin, Esq. author of the *Protestant*.—Ed.

fields, and was of great use to, and took much pains upon the instructing of several youths, who were well-meaning in the main, but being now neglected in their education, and wanting the advantage of sermons, needed instructions when they came and joined themselves to the sufferers. He was of shining piety, and had great measures of solid digested knowledge and experience, and had a singular talent of a most plain and affecting way of communicating his knowledge to others. He was no way obnoxious to the government, except for not hearing the episcopal ministers. This good man had come home, and was at his work, near his own house in Priestfield, casting peats. Claverhouse was coming from Lesmahago, with three troops of dragoons: whether he had got any information of John's piety and nonconformity, I cannot tell, but he caused bring him up to his own door, from the place where he was. I do not find they were at much trouble with him in interrogatories and questions; we see them now almost wearied of that leisurely way of doing business, neither do any of my informations bear that the abjuration oath was offered to him. With some difficulty he was allowed to pray, which he did with the greatest liberty and melting, and withal, in such suitable and scriptural expressions, and in a peculiar judicious style, he having great measures of the gift, as well as the grace of prayer, that the soldiers were affected and astonished; yea, which is yet more singular, such convictions were left in their bosoms, that, as my informations bear, not one of them would shoot him, or obey Claverhouse's commands, so that he was forced to turn executioner himself, and in a fret shot him with his own hand, before his own door, his wife with a young infant standing by, and she very near the time of her delivery of another child. When tears and entreaties could not prevail, and Claverhouse had shot him dead, I am credibly informed the widow said to him, 'Well, Sir, you must give an account of what you have done.' Claverhouse answered, 'To men I can be answerable, and as for God, I'll take him into mine own hand.' I am well informed, that Claverhouse himself frequently acknowledged afterwards,

that John Brown's prayer left such impressions upon his spirit, that he 1685. could never get altogether worn off, when he gave himself liberty to think of it.

I have before me a very large and circumstantiate account of the taking and death of Peter Gillies near Mauchlin, upon the 6th of May. The information bears, that four more were put to death with him, but none of their names are set down, save John Bryce, who is taken with him, and joined in the indictment. Peter Gillies, a walker of cloth in a mill belonging to Sir James Murray of Skirling, in the year 1674, was brought to great trouble for having a presbyterian minister preaching in his house, by Mr James Buchan episcopal minister in the parish, and his master; he was turned out of his house and possession, and his losses were very great. In the year 1682, when in the parish of Muirend-side, in the shire of Stirling, he was again attacked by Mr Andrew Ure curate there, for nonconformity, and had a party of soldiers sent upon him, and very narrowly escaped. However, he still continued at his trade till the end of April, this year 1685, when, the day before the Highlanders came to Falkirk, the curate went to West-quarter, and informed against him, and prevailed with him to get a party sent to his house next day. Accordingly, the last of April, he and John Bryce a weaver in the parish of West-Calder, who had come to him to get some cloth he had dressing, were apprehended. Peter's wife was but brought to bed of a child a few days before, and very tender. In her sight they threatened him with present death, and hurried him away without allowing him to speak to her, or change his clothes. In less than an hour's time, a party of soldiers came back to his wife with a lie, saying, her husband had signified that she knew where his arms were, and if she discovered them, he would not be shot, if not, he would presently on their return be despatched. She was a calm and composed Christian, and told them, 'He had no arms she knew of, and if they got liberty to take his life, she would endeavour to say, good is the will of the Lord, and he who did all things well, could not wrong her or hers.' This

1685. put them in a terrible passion, and they threatened to burn her where she lay, swearing she should live no longer, which was heavy treatment, especially to one in her case. They rifled the house, and took away every thing portable, but some bibles which they cast from them. But I must pass many circumstances in this particular narrative before me. The two men were tied together, and driven before them. When they had carried them some miles they bound a napkin over Peter's eyes, and set him down on his knees to be shot, with a file of musketeers before him. In this posture they kept him upwards of half an hour, and then carried him away with them to the west country, whither they were marching. May 4th, I find them at Middle-Welwood, in the shire of Ayr, where Peter writes a letter to his wife full of affection and seriousness, and leaves her and five children on the Lord, with much holy confidence, and desires her to speak to some of his relations, and reprove them for their faults, which he heartily forgives them. He wanted not impressions that he was to die, and would shortly be beyond the reach of enemies, after reading some of the scripture, for which the soldiers abused and threatened him. That day they were carried down to Mauchlin, and, with some others, were examined by lieutenant-general Drummond, and an assize was called of fifteen of the soldiers, and an indictment was given them, May 5th. It may be, some of my readers may desire to know the form used in those summar justiciary courts; and therefore, it being short, is inserted. "Peter Gillies in Muirend-side, John Bryce in West-Calder, you and ilk one of you are indicted, that, contrary the laws both divine and human, the laws and practices of this realm, and several acts of parliament, ordaining an humble submission, by all persons, to kingly power and authority, and an acknowledgment of their just power and greatness, and of their full consent to the laws and acts in their jurisdictions, and giving sufficient demonstrations of their loyalty and adherence to their prince, as their head and

sovereign, in all things and cases, when required; and the opposers thereof and refusers, to give sufficient testimony of their loyalty and consent, as aforesaid, being justly to be reputed enemies, and not friends, rebels and not subjects, and, by the same laws and ordinations, are to be cut off from other loyal, obedient, true, conforming subjects. Yet true it is and of verity, that you, in a manifest contempt of those laws, though living under a gracious prince and sovereign, having cast off all fear of God, duty and allegiance to the king, have not only, contrary to the word of God, and all law and equity, most traitorously and impiously shaken off all love and obedience to kingly power, by a long time homologating with the principles of those rebellious traitors, and blasphemers of God and the king, joining with them in their wicked courses and practices, wanting nothing but an opportunity to murder and assassinate his majesty's subjects of the contrary opinion; but also openly and avowedly disowned the king his just authority and government, adhered to the covenant, owning and approving rising in arms against the king, and those commissionate by him, and refuse to pray for the king, whereof, and of the other crimes specified, you being found guilty by an assize, you and ilk one of you ought to be punished with forfeiture of life, lands, and goods, to the terror of others to commit the like hereafter. You are summoned to compear before lieutenant-general Drummond, commissioner of justiciary, within the tolbooth or court place of Mauchlin, this fifth of May, to answer to your indictment." We may be sure such an assize would bring them in guilty, and they are sentenced to be hanged at the town-end of Mauchlin, May 6th, which was done accordingly. No coffins were allowed them, nor dead clothes; but the soldiers and two country men made a hole in the earth near by, and cast them all together in it.

Upon the 11th of May, we meet with the barbarous and wicked execution of two excellent women near Wigton, Margaret M'Lauchlan and Margaret Wilson. History scarce affords a parallel to this in all its

circumstances : and therefore I shall give it at the greater length, and the rather, because the advocates for the cruelty of this period, and our jacobites, have the impudence, some of them to deny, and others to extenuate this matter of fact, which can be fully evinced by many living witnesses. And I shall mostly give my narrative of it, from an account I have from the forementioned Mr Rowan, now with the Lord, late minister of Penningham, where Margaret Wilson lived, who was at pains to have its circumstances fully vouched by witnesses, whose attestations are in my hand ; and I shall add, to make the account more full, the sufferings of the said Margaret's relations, though not unto death, as coming in natively enough here, and what will hand me in to what I have most in view.

Gilbert Wilson father to the said Margaret, lived in Glenvernock, belonging to the laird of Castlestewart, in the parish of Penningham, and shire of Wigton, and was every way conform to episcopacy ; and his wife, without any thing to be objected against her, as to her regularity. They were in good circumstances as to the world, and had a great stock upon a good ground, and therefore were the fitter prey for the persecutors, if they could reach them. Their children, to be sure, not from their education, but a better principle, would by no means conform, or hear the episcopal incumbent. This was a good handle to the persecutors ; so they were searched for, but fled to the hills, bogs, and caves, though they were yet scarce of the age that made them obnoxious to the law. Meanwhile their parents are charged at the highest peril, not to harbour them, supply them, or speak to them, or see them, without informing against them, that they might be taken ; and their father was fined for his children's alleged irregularities and opinions, which he had no share in, and harassed by frequent quarterings of the soldiers, sometimes an hundred of them upon him at once, who lived at discretion, upon any thing in the house or field belonging to him. Those troubles continuing upon him for some years together, with his attendance upon courts at Wigton, almost once a week, thirteen miles distant

from his house, his going to Edinburgh, and other harassings, brought him under exceeding great losses. At a modest calculation, they were above five thousand merks, and all for no action or principle of his own, for he was entirely conformist. He died some six or eight years ago, in great poverty, though one of the most substantial country men in that country. And his wife (1711) lives a very aged widow, upon the charity of friends. His son Thomas Wilson, a youth of sixteen years of age, this February 1685, was forced to the mountains, and continued wandering till the revolution, at which time he went to the army, and bore arms under king William in Flanders, and after that in the castle of Edinburgh. He never had a farthing from his parents to enter that ground which they possessed, but having got together somewhat by his own industry, lives now in his father's room, and is ready to attest all I am writing.

It is Gilbert's two daughters, who fell into the hands of the persecutors, Margaret Wilson of eighteen years of age, and Agnes Wilson a child not thirteen years, that have led me to this account. Agnes the youngest was condemned with her sister by those merciless judges, but her father obtained a liberation from prison, under a bond of 100 pounds sterling, to present her when called. However Gilbert had to go to Edinburgh before she was let out ; but to all onlookers and posterity, it will remain an unaccountable thing to sentence a child of thirteen years to death, for not hearing and not swearing. In the beginning of this year, those two sisters for some time were obliged to abscond and wander through Carrick, Galloway, and Nithsdale, with their brothers, and some others. After the universal severities slackened a little at king Charles' death, the two sisters ventured to go to Wigton, to see some of their suffering acquaintances there, particularly Margaret M'Lauchlan, of whom just now. When they came to Wigton, there was an acquaintance of theirs, Patrick Stuart, whom they took to be a friend and well-wisher, but he was really not so, and betrayed them ; being in their company, and seeking an

1685. occasion against them, he proposed drinking the king's health; this they modestly declined: upon which he went out, informed against them, and brought in a party of soldiers, and seized them. As if they had been great malefactors, they were put in the thieves' hole, and after they had been there some time, they were removed to the prison where Margaret M'Lauchlan was, whom I come next to give some account of.

This woman was about sixty three years of age, relict of John Mulligen carpenter, a tenant in the parish of Kirkinner, in the shire of Galloway, in the farm of Drumjar-gan, belonging to colonel Vans of Barnbar-roch; she was a country woman of more than ordinary knowledge, discretion, and prudence, and for many years of singular piety and devotion: she would take none of the oaths now pressed upon women as well as men; neither would she desist from the duties she took to be incumbent upon her, hearing presbyterian ministers when providence gave opportunity, and joining with her Christian friends and acquaintances in prayer, and supplying her relations and acquaintances when in straits, though persecuted. It is a jest to suppose her guilty of rising in arms and rebellion, though indeed it was a part of her indictment, which she got in common form now used. For those great crimes, and no other, she was seized some while ago upon the Lord's day, when at family worship in her own house; which was now an ordinary season for apprehending honest people. She was imprisoned, after she had suffered much in her goods and crop before she was apprehended. In prison she was very roughly dealt with, and had neither fire, nor bed to lie upon, and had very little allowed her to live on.

Jointly with Margaret M'Lauchlan, or M'Lauchlison, these two young sisters, after many methods were taken to corrupt them, and make them swear the oath now imposed, which they steadily refused, were brought to their trial before the laird of Lagg, colonel David Graham sheriff, major Windram, captain Strachan, and provost Cultrain, who gave all the three an indictment for rebellion, Bothwell-bridge, Ayr's

Moss, and being present at twenty field-conventicles. No matter now how false and calumnious poor people's indictments were. None of the pannels had ever been within many miles of Bothwell or Ayr's Moss: Agnes Wilson could be but eight years of age at Ayr's Moss, and her sister but about twelve or thirteen; and it was impossible they could have any access to those risings: Margaret M'Lauchlan was as free as they were. All the three refused the abjuration oath, and it was unaccountable it should be put to one of them. The assize bring them in guilty, and the judges pronounce their sentence; that upon the 11th instant, all the three should be tied to stakes fixed within the flood-mark in the water of Blednoch near Wigton, where the sea flows at high water, there to be drowned. We have seen, that Agnes Wilson was got out by her father upon a bond of an hundred pounds sterling, which, I hear, upon her nonproduction, was likewise exacted. Margaret Wilson's friends used all means to prevail with her to take the abjuration oath, and to engage to hear the curate; but she stood fast in her integrity, and would not be shaken. They received their sentence with a great deal of composure, and cheerful countenances, reckoning it their honour to suffer for Christ and his truth. During her imprisonment Margaret Wilson wrote a large letter to her relations full of a deep and affecting sense of God's love to her soul, and an entire resignation to the Lord's disposal. She likewise added a vindication of her refusing to save her life by taking the abjuration, and engaging to conformity; against both she gives arguments with a solidity and judgment far above one of her years and education.

This barbarous sentence was executed the foresaid day, May 11th, and the two women were brought from Wigton, with a numerous crowd of spectators to so extraordinary an execution. Major Windram with some soldiers guarded them to the place of execution. The old woman's stake was a good way in beyond the other, and she was first despatched, in order to terrify the other to a compliance with such oaths and conditions as they required. But in vain; for she adhered to her principles with

an unshaken steadfastness. When the water was overflowing her fellow-martyr, some about Margaret Wilson asked her, what she thought of the other now struggling with the pangs of death. She answered, what do I see but Christ (in one of his members) wrestling there. Think you that we are the sufferers? no, it is Christ in us, for he sends none a warfare upon their own charges. When Margaret Wilson was at the stake, she sang the 25th Psalm from verse 7th, downward a good way, and read the 8th chapter to the Romans with a great deal of cheerfulness, and then prayed. While at prayer, the water covered her: but before she was quite dead, they pulled her up, and held her out of the water till she was recovered, and able to speak; and then by major Windram's orders, she was asked, if she would pray for the king. She answered, 'She wished the salvation of all men, and the damnation of none.' One deeply affected with the death of the other and her case, said, 'Dear Margaret, say God save the king, say God save the king.' She answered in the greatest steadiness and composure, 'God save him, if he will, for it is his salvation I desire.' Whereupon some of her relations near by, desirous to have her life spared, if possible, called out to major Windram, 'Sir, she hath said it, she hath said it.' Whereupon the major came near, and offered her the abjuration, charging her instantly to swear it, otherwise return to the water. Most deliberately she refused, and said, 'I will not, I am one of Christ's children, let me go.' Upon which she was thrust down again into the water, where she finished her course with joy. She died a virgin-martyr about eighteen years of age, and both of them suffered precisely upon refusing conformity, and the abjuration oath, and were evidently innocent of any thing worthy of death; and since properly they suffered upon refusing the abjuration, for refusing of which such multitudes were cut off in the fields with less ceremony, and at the time when these murders were so common, I have brought them in here. It is of more importance to observe, that in the council-registers, since I wrote what is above, I find what follows. "April last, Margaret Wilson, and Margaret

M'Lauchlison, under sentence of death pronounced by the justices, 1685. are continued till and the lords of his majesty's privy council recommend it to the secretaries to procure their remission." The day to which they are reprieved is blank in the records; but I may safely suppose it would be for a longer day than the 11th of May, there being scarcely time betwixt the 30th of April and that, to get a return from the secretaries. Indeed at this time, a recommendation from the council for a remission, was looked on as a material pardon; and if I may conjecture, Gilbert Wilson, when he, as we heard, after the sentence upon all the three, made application at Edinburgh, seems to have prevailed as to all the three, and the case was extremely favourable. If matters stand thus, the people at Wigton are deeply guilty, and had no powers for what they did; and the death of these persons, was what the council ought to have prosecuted them for.

This 11th of May hath been a black, and very remarkable day for blood in several places. From Annandale I have a vouched account of the murder of Andrew Hislop, in the parish of Hutton, there that same day. Satan was now come down in great rage in his instruments, it was well his time was but short. Andrew Hislop was but a youth, and lived, as did his brother and sisters, with his mother, a very honest religious woman. To her house, it seems, one of the suffering people, upon his hiding, had come, being indisposed, and after some days' sickness, died there. She and her sons fearing persecution for reset and converse, after he was dead, caused bury him in the night time, in the fields near by. The grave being discovered, Wester-raw came with a party of men, and most barbarously turned up the dead body out of the grave, and coffin, and perceiving him a stranger, strict inquiry was made about him. They very soon got notice that the corps had come out of the above-said widow's house. Whereupon Wester-raw went immediately to the house, and spoiled it, taking away every thing that was portable, and pulled down the house, putting the woman and her children to the fields. When thus they are

forced to wander, Claverhouse falls 1685. upon Andrew Hislop in the fields, May 10th, and seized him, without any design, as appeared, to murder him, bringing him prisoner with him to Eskdale unto Wester-raw that night. I said somewhat before, with relation to this bitter persecutor Sir James Johnston of Wester-raw; and the writers of the Cloud of Witnesses observe from Mr Alexander Shiels's account, I suppose, that he was once a covenanter, a great professor and zealot for the presbyterian establishment; and even when the test began to be talked of, he pretended a regard for presbytery, and that he would not take the test, but as soon as the trial came to his door, he took it, and turned a violent persecutor of presbyterians, as all apostates generally are. He died about the revolution, under dreadful torture in body from the gravel, and in no small agonies of mind for his past ways. Andrew being taken upon his ground, he would needs signalize his loyalty in having him despatched in the fields; and as one empowered by the council, he passed a sentence of death upon him. Claverhouse in this instance was very backward, perhaps not wanting his own reflections upon John Brown's murder, the first of this month, as we have heard, and pressed the delay of the execution; but Wester-raw urged till the other yielded, saying, the blood of this poor man be upon you, Wester-raw, I am free of it. Claverhouse ordered a highland gentleman, captain of a company who were traversing the country with him, to shoot him, with some of his men. The gentleman peremptorily refused, and drawing off his men at some distance, swore he would fight Claverhouse and his dragoons before he did it. Whereon he ordered three of his own men to do it. When they were ready to fire, they bid Andrew draw down his cap or bonnet over his eyes. He was of an undaunted courage, and refused to do so. He told them, he could look his death-bringers in the face without fear, and had done nothing whereof he was ashamed; and holding up his bible which he had in his hand, charged them to answer for what they had done, and were to do, at the great day, when they were to be judged by that book. His mother lost to the value of six

hundred and fifty pounds Scots. In the place where he was shot, he lies buried in Craighaugh in Eskdale Muir.

A third instance of the bloodshed of this day, I have before me, attested by two persons called to be witnesses to it, in terms of the council's act, though I find it not used almost any where but in this case. It was committed at Polmadie, about a mile south of the city of Glasgow. I shall give the narrative in the words of the signed declaration. This violent and hasty murder, for any thing I know of, hath not been distinctly narrated hitherto, and yet it is as barefaced an instance of the barbarity of this period as many; and I hope it will be acceptable in the plain and natural narrative of the two country people yet alive, attesting it. "We, under-subscribers, John Reid and Andrew Cochran, do declare, that we being then servants in Shawfield, were about our master's business at Polmadie-mill, May 11th, 1685, saw major John Balfour, captain James Maitland,

Menzies, Mackenzie, and some others upon horseback come to Polmadie; major Balfour seeing us at the mill, asked us to whom we belonged. We answered, we were servants to Sir James Hamilton's tenants in Shawfield. The major commanded us to stand still till he told us what to do. We saw them apprehend three men, two whereof were weavers, whom they brought off their work-looms, Thomas Cook and John Urie, who had nothing upon them but their working clothes. Thomas Cook was first taken, and because he came not out to Balfour at the first cry, the major struck him on the face with the horse-whip, as the blood so gushed out that he could hardly speak. Then staving a cocked pistol in his face, keeping his thumb on the dog, cried, blood and wounds, he was a rebel. Within a little there came up one and twenty footmen and a serjeant, who ran through the houses, and apprehended Robert Tom a land-labourer, upon whom Balfour set a guard, saying he was a strong man, and called for match to bind him, but found none. When all the three were taken, the officers consulted among themselves, and withdrawing to the west side of the town, questioned the prisoners, particularly if they

would pray for king James VII. They answered, they would pray for all within the election of grace. Balfour said, Do you question the king's election? They answered, sometimes they questioned their own. Upon which he swore dreadfully, and said, they should die presently, because they would not pray for Christ's viceroy, and so without one word more, commanded Thomas Cook to go to his prayers, for he should die. Thomas desired the major he would let him live. The major asked how long. Thomas answered, two days. The major swore again, he should live no longer. The other said he could not help it then. And immediately Balfour drew out three musketeers, and placed them behind him, while he sat upon his knees praying. They took some cravats from some of the country men standing by, and covered their faces. Then the major ordered two of the musketeers to fire, and if Thomas stirred after that, the third was to fire, which was done, and he slain outright. Then he commanded the other two to bequeath themselves to God, for they were immediately to die, and straight did with them as with the first. All the three were murdered within an hour after they were apprehended. When dead, they drew off some of their clothes, saying they might do good to a soldier; but when they perceived their dogs licking the slain men's blood, they cast them on the corps again, and ordered us to go our way and tell what we had seen. We remember further, that Captain Maitland said to the rest of the men of Polmadie, why did you harbour those men so near a garrison? and holding up his hands said, 'As the Lord liveth, I have no pleasure in the death of those men.' The rest of the men in Polmadie were carried prisoners to Glasgow, and from thence near to Dunotter, ere some of them could win off.

"JOHN REID.

"ANDREW COCHRAN."

I shall only add, that I sent this account to the gentleman above-named captain Maitland, who died much regretted a few years ago; and he acknowledged, the whole of the country men's account was fact.

The seventh person murdered this day, I cannot give so distinct account of as of the

preceding. Only I find lieutenant colonel Douglas upon the 10th of May 1685. came into a house in some of the neighbouring parishes to the Newton of Galloway, found a religious good man, Andrew M'Quban, lying very ill of a fever, and putting his questions to him, which he not being able, or it may be, unwilling to answer, he caused the soldiers who were with him take him out of his bed, and carry him with them to the Newton, and next morning shot him there, without any process or assize.

Upon the 13th of May, I find another good man cut off, James Kirko in the parish of Keir. This man could not fall in with the strict conformity and oaths now required, and was forced to leave his house and wander. While he is on his hiding in the parish of Hollywood near Dumfries, a person who professed no small kindness to him, and yet refused him lodging, directed him to some retired place not far off, to lurk in, sent in to Dumfries, and acquainted the soldiers that there were wanderers not far from his house. And captain Bruce came out straight with a party of dragoons, and seized the said James. When taken, the captain offered him the abjuration: this he modestly refused, as what he took to be inconsistent with his solemn oaths to God. Whereupon he was ordered presently to prepare for death; which he addressed himself to, and sang part of the 116th psalm about vows, and read a portion of the scripture, and prayed. Then the dragoons pressed him to discover the haunts of his fellow-wanderers, and they would spare him. He excused himself, and said, he durst not redeem his life at so dear a rate. After this they carried him prisoner to Dumfries-water sands, and there the captain put some more questions to him, which he declined to answer; whereupon he was ordered immediately to be shot. He begged the captain would spare his life till tomorrow. 'No, no,' said the captain, 'no more time, the devil a peace you now get made up.' James said, 'Sir, you mistake it, you cannot mar my peace with God.' At this the captain raged, and cried, 'Dogs, make ready,' speaking to the soldiers, 'for the devil a peace shall he get more,' and so straightway he was shot, without allowing him so much as to pray.

I have some informations before me 1685. of great severities exercised by the soldiers this month upon one Matthew Donald, who had been in prison some time, for mere nonconformity, at Glasgow, which are not so full as I could wish; but he may upon the matter be reckoned among those murdered this month. This good man fell very ill in the tolbooth of Glasgow; notwithstanding he appeared to be in a dying condition, he was sent off with some other prisoners whom they were carrying into Edinburgh. When they came to Calder, the dying man's strength failed him, and he could walk no farther. The soldiers meeting with a sledge on the road, most inhumanely bound him to it, and dragged him away, and in a very little he died among their hands on the high road.

In summer these executions in the fields slackened a little; so many had been butchered that subjects began to fail them; yet more instances offer, several of which I have only the general dates, that they were done this year, and I shall be but short upon them.

June 10th, the lord Annandale, and Grierson of Lagg, were pursuing some of the hiding people in the south, and searching for nonconformists and such who refused the oaths; and hearing of four wanderers in the parish of Twinam, they hunted for them through all that bounds with sixscore of horse in different parties. My lord Annandale and his party fell in with David Haliday in Glencayre, and George Short; and upon their surrender he gave them quarters, till they should be tried to-morrow. When that cruel man Lagg came up, he would have them shot presently as they lay bound in tedders upon the ground. They begged they might have to-morrow to prepare for eternity, and my lord Annandale told him he had promised so much; but nothing could move that merciless man, he swore they should have no time, and ordered his men to shoot them straight. For some time they refused, till he threatened to do it himself; and they were shot just as they lay bound on the ground, and their dead bodies continued in their gore till next day.

Some time this year, there were three men in the parish of Penningham taken and executed very summarily, William Johnston gardener to the laird of Fintilloch, George Walker servant in Kirkauly, and John Milroy chapman, living in Fintilloch. The first of them had been abundantly conform, yea, had taken the test some time before; but after he had swallowed that oath he fell under deep remorse, and became seriously thoughtful about his sins, soul's state and spiritual things, about which he had no concern before. Whereupon he deserted hearing the curate, who soon informed against him, and he was forced to leave his house, and wander. For some time he with the other two kept close in their hiding places; but after many remarkable escapes, they were at last taken by a party sent out by major Windram, and brought in prisoners to Wigton, where the major examined them, and they declining to answer some of his interrogatories, and peremptorily refusing to join in hearing the episcopal minister, without the trouble of an assize, or trial, caused hang them all at Wigton the very day after they were apprehended.

Some time this summer, four men were coming from Galloway, where they had been hearing Mr Renwick in the fields, to the shire of Ayr, Joseph Wilson, John and Alexander Jamisons, and John Humphrey. A party of soldiers overtook them at Knockdon-hill, and upon their confession they had been hearing a sermon, they immediately shot three of them. What were the reasons of sparing Alexander Jamison I know not.

Upon the same day, the same party of dragoons took Simon Paterson and David Dun, for any thing I can find, upon their being at the same sermon, and carried them with them to the gallows that was standing at Cumnock, and, without any trial, witnesses, or jury, hanged them the very same day.

About this time, a very barbarous murder was committed upon Thomas Richard in Greenock-mains, in the parish of Muirkirk, a good man near eighty years of age. Peter Inglis cornet, son to captain Inglis, with some soldiers, pretended they were

friends, and some of the remains of Argyle's men. One of my informations bears, that the better to carry on the cheat, they had bibles with them, and pressed and prevailed with Thomas to pray with them; and when at prayer, some of them took notes of some expressions, and afterwards they advised with him upon a designed attack which they pretended they were about to make upon a neighbouring garrison. Two other narratives before me omit these circumstances, and say, captain Inglis came into Thomas' house with four or five men pretending to be whigs; and after some other discourse asked him, if he knew where any of the honest party were. The old man, in the innocence of his heart, suspecting no cheat, answered, he knew not of any at present, but that he had lodged some of them some days ago, and was not yet unwilling to give them any entertainment he had. Thus the jest was carried on for a little, till one of them bewrayed himself by an oath, and then they all cast off the mask, and carried the good old man to colonel Douglas then at Cumnock, who precisely upon this alleged confession, without jury or trial, next day executed him there. I am well informed from a reverend minister present, that his case was so favourable, that three ladies of the episcopal persuasion, upon hearing of it, went to the colonel to beg his life, but were not admitted; only they had a message sent them, that he could show no favour to these people.

Likewise this year I find William Paterson, son to Robert Paterson in Kirkhill, in the parish of Cambusnethan, who was killed, as we heard, at Ayrsmoss, was shot in the fields. This good man was cast out of his house some years ago by his master Muirhouse, merely for noncompliance with prelacy. His poor family was broken and scattered, and he himself forced to wander through many difficulties, at length taken and sent away to be a soldier abroad. There he made his escape, and came home. After some time's hiding, he was again this year taken in a place called Charon-heugh, upon a sabbath. There were fourteen persons in that place, ten of whom, on the soldiers' approach, got into a secret place

in the cave, William and three others were taken, the other three took the 1685. abjuration. William refusing it, the soldiers carried him with them to Evandale castle, where that afternoon, without any trial, he was shot by captain Bell.

Some other murders may come in upon some of the following sections, but those may suffice to give some view of the bloodshed in the fields this year, and this section is already long enough.

SECT. VII.

Of the searchings, oppressings, and harassings through the country, and other sufferings of presbyterians, not unto death, till the parliament met this year 1685.

HITHERTO upon this year I have mostly given an account of the sufferings unto death, at Edinburgh, and through the west and south; let me now take a more general view of the sufferings of such who escaped with their lives, in the first months of this year, and the difficulties and harassings of the country, which were heavy enough in their kind. I have already taken notice of the lamentable state of many places by the courts, and the procedure of the soldiers in pressing the abjuration; and indeed it would be wearisome both to the reader and me, to go through all the other courts which were held, the fearful spoils committed upon parishes and families, the many wanderings vast multitudes were forced to this year, whereby they were in deaths often. In this place I shall only take notice of some before the meeting of the parliament, and leave the rest to another section.

The models and first essays of that persecution, which afterward was carried on with less form and order through the kingdom, were many times formed and begun at Edinburgh. Accordingly, in prosecution of the act of council formerly noticed, the magistrates of Edinburgh publish a proclamation January 9th, for taking up exact lists of all the indwellers in the city and its liberties, which I have added below.* I need make no

* Proclamation, magistrates of Edinburgh, January 9th, 1685.

Forasmuch as the lords of his majesty's privy

1685. remarks upon it. Certainly it was hard enough to oblige people on oath to give in lists of persons who had lodged with them for near ten weeks' time, especially such who kept public houses, and might have different lodgers every night. It is not improbable the same method was taken in most part of the other considerable burghs. As this was an arbitrary imposition, contrary to the liberty of the subject, so it was of no small use to the designs in hand. I have formerly observed, that when the persecution in the country turned warm, the cities were a kind of refuge to the sufferers. And now resolving to spare none, they endeavour to prevent this.

To help forward all the other parts of persecution through the country, and according to the instructions we formerly heard were given to lieutenant-general Drummond, several new garrisons were planted, and the old ones strengthened. From what is narrated above, we may easily guess what a burden these garrisons were to the oppressed country, and what difficulties they brought to the suffering hidens and wanderers. Their parties were almost continually in motion; and when in the garrison they were still ready by night and day, to

council, by their order, of the date the day of January instant, did thereby require and command the provost, and bailies of Edinburgh, to take exact lists of the whole inhabitants of the said city of Edinburgh, Leith, and the other suburbs thereof, and liberties pertaining thereto, in manner following, *viz.* all the heritors, liferenters, factors, or doers, tutors and curators of minors, according to the cess-rolls, or otherwise, that they, and all concerned, may make faith thereupon, all which persons are to be given in upon oath to the said magistrates; and the masters and mistresses of families, are to give up lists of all their children, above the age of sixteen years, and of their servants or lodgers, which they have had entertained or lodged, since the beginning of November last, and that upon oath: these are therefore to give intimation, that at the first advertisement given to the heritors, liferenters, factors or doers, tutors, and curators of minors, and inhabitants, masters and mistresses of the families of this city, and suburbs thereof, by the town-officers, that they appear before the magistrates of their respective bounds, and there give obedience to the said act of his majesty's privy council, immediately after the said intimation, without delay; certifying such as shall fail, their names shall be given up to his majesty's privy council, that they may be proceeded against as persons dissatisfied to the government.

JO. RICHARDSON, Cl.

move upon the first hints given them from the multitudes of informers and spies they had every where, and attack persons, houses, or parishes. Most of these informations were groundless, and consequently many of their attacks were upon innocent persons, even by their own laws; but readily they returned not empty, where there were no real delinquents, they made some or other guilty, and it was easy now to do so. This month the garrisons were strengthened or settled at Earliston, Waterhead, Machirmore in Galloway, and several places in Ayr, Lanark, and Nithsdale.

This month the town of Glasgow, and the places round, were mightily oppressed with searches, and they continued very frequent for two or three months. Their uneasiness to the subject, and the severities exercised at them, I have more than once pointed at; and I shall give only another instance of the treatment of poor people, at them this month. Thomas Jackson in the parish of Eastwood, of whom before, was in the year 1683, apprehended somewhere near Hamilton, and for mere nonconformity banished to West Flanders. There he was sold as a slave, and engaged in the war against the Spaniards. He took the first opportunity that offered, and left the service, and got into a French ship coming home, and from France got over again to his native country. Towards the beginning of this year, in a close search at Glasgow, he was taken by major Balfour and colonel Buchan. When seized he made some struggle to defend himself, and escape, in which he was fearfully wounded in the head, and terribly mangled. Upon examination they found he had been banished, and broke his act of banishment, and threatened him with present death. Accordingly he was carried down to the green, and ordered to be shot. This did neither damp nor confuse him; he was ready for his change, and no way discouraged. When the soldiers were drawn out to fire upon him, and he set before them, and in some measure had tasted of the bitterness of death, somewhat or other made them alter their resolution, if it was settled before. And he was sent back to prison to endure greater hardships. In a few days he was sent in

to Edinburgh, where he lay in the thieves-hole, with irons upon him, two and thirty weeks. All that time he was never free of the irons, both upon his legs and arms, except once for a few hours, when he was brought before some committee or other, who remitted him to the irons again, for seventeen weeks more; at length he was banished to new Jersey and died in the voyage.

These searchings continued at Glasgow, and it stood very hard now with all non-conformists. On the 6th of March, three honest good men were seized, Robert Logan, George Muir, and John Gilfillan, who were upon their hiding, merely because they could not fall in with the present impositions. Major Balfour, (who when I write this 1716, is among the rebels at Perth, and in Fife) by his informers, had notice they were in the house of one Sarah Kirkland, and sent a party of his men, and seized them. Two of them, without any power from, or sentence of the council, I have heard of, were sent off by the major to the plantations, the other was sent to Dunotter. The woman in whose house they were, though nothing could be otherwise charged upon her, was put in prison, and for some months kept there, and, in May, sent with other prisoners to Dunotter, but happily by the way found means to escape. She was forced to wander up and down in remote corners, till the liberty 1687. The soldiers, as was their custom in such cases, rifled her house and left her nothing.

About this same time, a profane fellow in Glasgow, John Speir, listed himself a soldier under major Balfour. The army now was the common sewer for profligate and wicked youths, and they were very fit tools for persecution. This man got an order to search Mrs Gardner's house, relict to Mr James Gardner, a presbyterian minister, of whom before, and there he caught Mr William Boyd, then a student of divinity, afterwards licensed abroad, and at the revolution ordained minister at Dalry in Galloway. In a little time Mr Boyd got out; but very soon after this, Speir was ordered to stand sentinel at the stable-green port at Glasgow, and whether

in drink, or what the reason was, I know not, but he fell off the battle-^{1685.} ment upon the port and broke his neck.

This same month affords flaming instances of the severities of the soldiers up and down the country, and particularly of Claverhouse in more places than one. Upon the rumoure of Argyle's designs upon Scotland, and Monmouth's upon England, the violences of the army increased, and the ravages now made, especially by Claverhouse in Clydesdale, Annandale, and Nithsdale, may justly surprise the reader; it is but some general hints which I shall touch at, for particulars would be endless.

Upon the 10th of March, all freeholders, heritors, and gentlemen in Nithsdale and Annandale, and, I suppose, in most other shires of the kingdom, but I name those as being the scene of the severities now used, were summoned to attend the king's standard, and the militia in the several shires were raised. Wherever Claverhouse came, he resolved upon narrow and universal work. He used to set his horse upon the hills and eminences, and that in different parties, that none might escape; and there his foot went through the lower, marshy, and mossy places, where the horse could not do so well. The shire he parcelled out in so many divisions, and six or eight miles square would be taken in at once. In every division the whole inhabitants, men and women, young and old, without distinction, were all driven into one convenient place. When thus got together, he called out as many of them as he saw proper, at once, till he got through them, and interrogate them severally, if they owned the duke of York, as he was formerly called, to be king. When they had done so, he took an oath of all the men that should stand by him, and still own him as king, and never do any thing against him. Not satisfied with this, he interrogate them next, if they had taken the abjuration; and some whom he suspected, he posed upon their oath, whether they had ever repented their taking the oath now imposed. If they answered, they did not, then he made them promise, upon their renouncing their part in heaven, they should never rue their so doing; and when they

1685. bore all, and insisted, he would make them some help to get their horses. At length he seemed to yield, and wrote a letter directed to the commander of the forces at Lanark, and after he had sealed it, gave it them, with orders to deliver it themselves. Suspecting nothing, they went away, and came the length of Carluke, in their way to Lanark, where telling their errand to some acquaintances, and jealousies arising, they agreed to open the letter, and found as follows. 'Sir, I have sent you two rebels, grip them fast, all you have taken from them is too little.' Upon which they returned home, and heard Mr Hennyman no more, but when forced to it.

Should I run through all the particulars I have by me, of the hardships and severities up and down different parishes these three or four months, this account would run a great length. I shall therefore end this section, with a particular vouched account of a gentleman in the parish of Anworth in Galloway, who, being forced to yield to what was against his inclinations, and afterwards a grief to him, shall be nameless. I only set it down as a new instance of the methods, and imposing spirit of this time. The laird of Lagg sent a party suddenly to this gentleman's house, hoping to find him, but happily he was out of the way. The soldiers however stayed all night in the house, and in the morning spoiled it of all the clothes they could reach, and carried off five good horses. In a few days colonel Douglas, and the said Lagg, came to the house with a party, and missing their prey, the soldiers carried off what they left at their former visit, and spoiled what they could not carry off for bulk. They slit up feather-beds and bolsters, and turned out the feathers, and carried off the tiking, with all other things in the house or office-houses, that were portable. Again, upon the 7th of April, captain Douglas came out of Kirkcudbright with a company of foot, and made a narrow search for the gentleman, but found him not. The foot were not a mile off the house, till Lagg came with a party of horse, and renewed the search for the said gentleman, and some others he alleged to be with him. He brought in all

the neighbours, and swore them under the most horrid oaths and imprecations, whether they knew any thing about the haunts of the persons he was seeking. It happened, that among the country people, there was one of the same name and surname with a person Lagg was searching for, and this was crime enough to the poor man. It was averred by Lagg, that he undoubtedly held correspondence with the rebel he was in quest of, and he treated him with abundance of cruelty. He caused cover his face with a napkin, and set him upon his knees to be shot, and ordered three of the dragoons to present their pieces to shoot him. The country man's wife being by, and seeing her husband in this case, cried out with tears to spare his life, and take him with them till they found the other they wanted. The poor woman's tears, I believe, had no great weight with Lagg; however, he caused untie him, and carried him with them, and another, who was a near neighbour to one they were seeking. They seized the gentleman's daughter, who either could not, or would not tell where her father was. She was next asked, where she was last night, when they were searching the house. The young gentlewoman expecting no hazard could ensue, said, she had been in the house of a neighbouring gentlewoman; whereupon Lagg immediately sent a party with her to that gentlewoman's house, and carried both away prisoners. With their two prisoners they went away to the sea-shore, and searched among the rocks at the sea-side, leaving a party of horse at some distance, to catch any they should chase out of the caves about the shore, and there they found the gentleman and another for whom they were searching. They returned by his house, which they now perfectly spoiled, destroying every thing they had not rendered useless before. These two, with the two gentlewomen, were carried to Wigton prison. Upon tendering the oath of abjuration, one of them yielded, and three refused; and in a little time two more took it, after an assize had been sworn, and an indictment given. Lagg, returning in a day or two, and hearing one had stood out, swore terribly, that he should be in a few

minutes, as he impiously called the future state, 'barking and flying,' and called an assine, who in a little time brought him in guilty; and it was reckoned a mighty piece of lenity that his life was spared, upon his complying at length. These are part of their ways.

SECT. VIII.

Of the actings of the parliament, convened April 23d, as far as they relate to the church.

It is now some time since we had a parliament in Scotland; the last was under the conduct of a popish commissioner, and this parliament, purged of many excellent patriots, was entirely obsequious to a popish king. This prodigy unknown since the reformation, a papist at the head of affairs, as in the former session it produced the contradictory test, very agreeable to introduce the contradictions of popery, so now further measures are laid down to advance popery and persecution, and rid the king and his under-managers of the trouble they had from some firm protestants, whom now they forfeit by wholesale; and when there was scarce any room to go beyond what the former session of parliament, and the council since had done, all their iniquitous and arbitrary procedure is ratified, and some improvements made upon them.

The late king designed a parliament should have sitten in March this year; and a meeting of parliament was now become necessary in the entry of this reign, to levy money, recognize the king's accession without a coronation oath; and so by a proclamation, February 20th, a parliament is called to meet April 9th. By another proclamation, March 22d, the parliament is adjourned to April 23d. And March 27th, the advocate is ordered to process (besides those formerly mentioned) before the parliament, Thomas Kennedy of Grange, John Kennedy of Glenour, and Gilbert M'Michan of Killentralzean. And April 9th, the duke of Queensberry's commission to represent the king in parliament, was read in council. The parliament sat down at Edinburgh, April 28th. We have already had a just character of this

parliament in Torwoodlee's case above; and I shall only notice further, that the most part of the acts of this parliament were rescinded, as iniquitous and grievous, after the revolution in the year 1693. I shall now give some account of their proceedings from the printed acts and speeches, and some hints of their procedure from some notes I have before me, taken by one who was present at every session.

The parliament was first entertained with his majesty's letter, which was backed by the commissioner in a speech, and this was seconded by Perth the chancellor in a very remarkable discourse; and this same day the parliament returned an answer to the king's letter. All these are already printed, but not being in every body's hands, I insert them in a note below.* It seems now, they behoved to

* *King's letter to parliament, commissioner and chancellor's speech, with the parliament's answer, April 28th, 1685.*

JAMES R.

My lords and gentlemen,

The many experiences we have had of the loyalty and exemplary forwardness of that our ancient kingdom, by their representatives in parliament, assembled in the reign of our dearest and most entirely beloved brother, of ever blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity not only of showing your duty to us in the same manner, but likewise of being exemplary to others, in your demonstrations of affection to our person, and compliance with our desires, as you have most eminently been in times past, to a degree never to be forgotten by us, nor (we hope) to be contradicted by your future practices. That which we are at this time to propose unto you, is, what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandizing our power and authority, (though in it consists the greatest security of your rights and interests, these never having been in danger, except when the royal power was brought too low to protect them) which now we are resolved to maintain in its greatest lustre, to the end we may be the more enabled to defend and protect your religion as established by law, and your rights and properties (which was our design in calling this parliament) against fanatical contrivances, murderers and assassins, who having no fear of God more than honour for us, have brought you into such difficulties, as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him, (in prosecution of the good and wholesome laws by you heretofore offered) could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhumane

be first printed at London; for at 1685. Edinburgh I find them reprinted by the heirs of Mr Anderson from the London copy; the reason of which I know not.

traitors, for endeavouring to overturn your peace; and therefore we have good reason to hope, that nothing will be wanting in you to secure yourselves and us from their outrages and violence in time coming, and to take care that such conspirators meet with their just deservings, so as others may thereby be deterred from courses so little agreeable to religion, or their duty and allegiance to us. These things we considered to be of so great importance to our royal as well as the universal interest of that our kingdom, that we were fully resolved in person to have proposed the needful remedies to you; but things having so fallen out, as render this impossible for us, we have now thought fit to send our right trusty and right entirely beloved cousin and counsellor, William duke of Queensberry, to be our commissioner amongst you; of whose abilities and qualifications we have reason to be fully satisfied, and of whose faithfulness to us, and zeal for our interest, we have had signal proofs, in the times of our greatest difficulties: him we have fully intrusted in all things relating to our service, and your own prosperity and happiness; and therefore you are to give him entire trust and credit, as you now see we have done; from whose prudence, and your most dutiful affection to us, we have full confidence of your entire compliance and assistance, in all those matters wherein he is instructed, as aforesaid. We do therefore not only recommend unto you, that such things be done as are necessary in this juncture, for your own peace, and the support of our royal interest, both at home and abroad, but also that you do them so speedily, as may evidence to the world, that you are still in the same manner addicted to the royal interest, of which we had so much experience when amongst you, that we cannot doubt of your full and ample expressing the same on this occasion, by which the great concern we have in you our ancient and kindly people, may still increase, and you may transmit your loyal actions (as examples of duty) to your posterity. In full confidence whereof, we do assure you of our royal favour and protection, in all your concerns; and so we bid you heartily farewell.

Given at our court at Whitehall, the twenty-eighth day of March, 1685, and of our reign the first year.

By his majesty's command,

DRUMMOND.

The speech of the lord high commissioner.

My lords and gentlemen,

His majesty has been pleased, so fully and obligingly, by the letter you have now heard, to intimate his royal pleasure to you, as what I am to say seems in a manner superfluous, so I need not take up much of your time, nor shall I do more than touch a few things as briefly as is possible.

And in the first place, my lords, this being the day of his majesty's coronation in our neighbouring kingdom, you see he is no sooner placed on the throne of his royal ancestors, than he inclines

I shall make a few reflections upon them, which will tend to clear up some facts and expressions in them every reader will not understand. Some pretty remarkable turns

to have your advice in what may import the good of his service and subjects here; by which you ought not only to be convinced of the great confidence his majesty has in the loyalty of this his ancient kingdom, and their good example to his other dominions, but also how fully he makes good his royal word and declaration, to follow (in his reign) the example of his late majesty of ever glorious memory, under whose protection and government we enjoyed so long peace and quiet; I say (my lords) as by calling you so soon, his majesty expresses great confidence in you, and seems still mindful of the zeal and affection of the last parliament, for the rights and prerogative of the crown, so (in a due return) it is not to be doubted, but you will upon this occasion not only exceed what has been formerly done, but also comply with all that can be proposed for establishing his majesty's greatness and your own security, and by this convince the world how sensible you are of the great honour his majesty has allowed you, of being the first parliament of his dominions to do so. I am in the next place to tell you, that his majesty is very mindful of the duty and loyalty of this kingdom to his late majesty and himself, when he was here amongst us: and the better to compose the minds of his faithful subjects, I am allowed to assure you of his princely resolutions to protect and maintain the religion and government of this church as they are now established by law, and that he will take the persons and concerns of the regular clergy into his special care and protection; and in order thereto, I am to give the royal assent to such laws and acts as can be reasonably proposed. I am likewise to let you know, that his majesty will concernedly maintain your just rights and properties according to the established laws of this kingdom, and will not allow of oppressive arbitrary proceedings in soldiers or others. And further, his majesty, being sensible of the great decay of our trade, has warranted me in his royal name, to consent to such laws as can reasonably be proposed for recovery and improvement thereof. And, my lords, to conclude what I am to say on this subject, his majesty is so concerned in the encouragement, welfare, and prosperity of this his ancient kingdom, as he will not only do what can justly be desired or expected for these ends, but even in business of the exchequer and militia (his immediate concerns) I am warranted to go the greatest lengths for your ease and convenience, that the nature of these can bear, and his majesty's service and your own security will allow.

And, my lords, his majesty having in all things so evidently discovered his gracious inclinations for the good of this kingdom, and given us the fullest assurances of his favour and protection that our hearts can desire, what suitable returns and acknowledgments can we make to so excellent and incomparable a prince, who, in all things relating to our quiet and prosperity, prevents our very desires? so if during his reign (which I pray God to make long and glorious) we be not the happiest people in the world, we have only ourselves to blame. And now the

offer themselves in the king's letter, which I doubt not were either framed by, or communicated with our managers at Edinburgh. The king tells them, 'they had

been eminent in times past (the former reign no doubt) in a compliance with his desires, to a degree never to be forgotten by him, and he hopes, never

1685.

king having so fully done his part, it concerns you in the next place to mind yours; and in order thereunto, I make no doubt but you will assert the rights and prerogatives of the crown, and establish the revenue as amply upon his majesty and his lawful successors, as it was enjoyed by the late king, or any of his royal predecessors, since you cannot (in the least) doubt but his royal care for your repose and security, will rather exceed than fall short of any of his ancestors. But to use any further arguments to incite you to what is so much your duty and interest, were at the same time to question your loyalty and zeal for his majesty's service, and your concern for the interest and honour of your native country, whose representatives you are, so I shall not injure you, nor lessen your thanks, by saying more upon this subject.

My lords, his majesty certainly expects from the prudence and loyalty of this parliament, that effectual ways will be fallen upon for destroying that desperate fanatical and irreclaimable party, who have brought us to the brink of ruin and disgrace, and are no more rebels against the king, than enemies of mankind, wretches of such monstrous principles and practices, as past ages never heard, nor those to come will hardly believe: what indemnities and acts of grace and clemency have they not contemned? and all the use they made of them, has still been to harden and confirm them in their execrable villanies; and how inconsiderable soever they appear, assure yourselves they ought not absolutely to be contemned, for if they had not support and correspondence not yet discovered, it is not to be supposed they could have so long escaped the care and vigilance of the government: it therefore concerns you both in honour and prudence, no longer to dally with them, but that the utmost severities be most effectually applied, and always taken, both to find out their favourers, and retired and secret haunts.

My lords, I doubt not but all of you sufficiently know that some of our nation are deeply involved in the late horrid conspiracy, who (and some others for other treasonable crimes and practices) are to be proceeded against before this parliament; the evidence of their guilt I shall leave to its proper place and time, and do not doubt but his majesty's advocate will manage that weighty matter with suitable care and faithfulness: so all I shall further say upon this subject at present, is, that if Almighty God (who watches over the security of princes) had not miraculously discovered and disappointed those the most hellish and barbarous designs that were ever contrived, in place of that peace, happiness, and tranquillity which we now enjoy, these kingdoms had certainly been at this day a sea of blood, and in all imaginable misery and desolation; which (being evident beyond denial) will certainly provoke your and all good men's indignation and resentment against those who can be reached, not only as advisers and contrivers of such villanies, but concealers of them. And since our honour and security every way

seems absolutely bound up in the life of his sacred majesty, ought we not most cheerfully to grant what the exigencies of his mild and gentle government require? especially seeing what we give is still bestowed upon ourselves, and for maintaining us in our just rights and possessions, against the most cruel and barbarous designs of his and our enemies.

And, now, my lords and gentlemen, in the last place, touching myself I shall not say much, my unfitness for this eminent station is possibly more obvious to me, than to any of you; however, since his majesty has been graciously pleased to place me in it, I am resolved to serve him boldly and firmly, and thereby labour to make up my other great defects: and as this has still been my practice in the other great trusts I have the honour to carry under his majesty, so I know his goodness will always accept the sincere endeavours of his servants in place of greater performances.

The lord high chancellor's speech.

My lords and gentlemen,

After what my lord commissioner hath so well represented to you, it will be very little necessary for me to say much. I shall only take the liberty to put you in mind, (of what I believe you are very sensible already) of the many obligations this nation lies under to be grateful to our great monarch. When by the command of the late king, his majesty, who now reigns, came first hither, what disorders, divisions, and animosities found he amongst us? To bring the state of things into your prospect as it was then, could not be very grateful to you, nor pleasing to me, but we all remember with joy how well he left us, and by what easy, gentle ways he brought about the establishment of that unity, which we were beginning to despair of. Since that time, how much we have been in his particular care, during the happy reign of that excellent prince his brother, of ever blessed and glorious memory, is known to all the world. But of all the instances of his majesty's care for us, his favour towards us, and his good opinion of us, this of his calling us together in the very beginning of his reign, (which God grant may be long and prosperous) that we might have the opportunity of presenting him with the first fruits of the service of his parliaments, and of becoming examples to his other dominions, is the greatest, and what we should prize the most, improving it as far as it will go.

When we consider what strange turns the extravagant follies of some, and the malicious devilish contrivances of others among us have taken, since the last meeting of parliament, what convulsions have attacked the body of this nation, and how vile a ferment has raged in it, to have our advice called for by our prince, how to provide proper remedies for it, is the greatest honour could be put upon us. That we may do what in duty we are bound in return, let us

1685. to be contradicted by their future practice.' How far this compliment was proper for him to give, them to receive, or honourable to the late king his brother, I

lay aside all private aims and ends; for how can we hope to serve his majesty, or promote the interest of the nation, while our eye is directed only towards our own particular? and let us with the frankness and cheerfulness of honest Scotsmen, use all possible means for uniting of the nation, and the driving from amongst us, whoever will not join with us upon such terms, as may conduce to the advancement of the honour and interest of our king and his crown, and the well-being of this our native country, which we should not suffer to be defiled and rendered contemptible to the whole world, by entertaining so venomous a bastardly brood of villanous men, as have of late, to the reproach of Scotland, and of human nature itself, maintained principles, and ventured upon practices not to be named amongst any who have ever heard of a government, much less of religion.

My lords and gentlemen,

You all know what a conspiracy hath been entered into by ill men of both kingdoms, against the sacred lives of the late king and his present majesty; and who but incarnate devils could think of attempting any thing against such precious lives? for what prince in Europe, or the whole world, was ever like the late king, except his glorious brother who now reigns? and to have cut off any of them, had been barbarous to a degree of making us appear more abominable than any people ever were, but for us to have lost both, had been our utter ruin. Yet against both was the design laid, and had succeeded, if that watchful providence, which hath often preserved the two royal brothers in so many difficulties, had not defeated the success, by an unforeseen accident, and had it succeeded, what confusion, what cruelty, what blood, what inexpressible misery had overflowed these kingdoms?

But besides this, we have a new sect sprung up amongst us from the dunghill, the very dregs of the people, who killed by pretended inspiration, and instead of the temple of the Lord, the temple of the Lord, have nothing in their mouths but the word of God, wresting that blessed conveyance of his holy will to us, to justify a practice suggested to them, by him who was a murderer from the beginning, who having modelled themselves into a commonwealth, (whose idol is that accursed paper the covenant, and whose only rule is to have none at all) have proceeded to declare themselves no longer his majesty's subjects, to forfeit all of us who have the honour to serve him in any considerable station, and will be sure ere long to do so by this great and honourable court. It is how to rid ourselves of these men, and of all who incline to their principles, that we are to offer to his majesty our advice, concurrence, and utmost assistance. These monsters bring a public reproach upon the nation in the eyes of all our neighbours abroad, while in their gazettes we are mentioned as acting the vilest assassinations and the horridlest villanies, they render us unquiet and unsecure at home, they bring reproach

must leave to others; I doubt not in the least that the king speaks fact; and as he had the entire management of affairs in Scotland during the last years of his

upon our religion, and are our great plague. Let us for the sake of our allegiance, for his majesty's honour, for our reputation abroad, for the vindication of our religion, and for our own peace and tranquillity, make haste to get ourselves cured of it. If this were once effectuated, we might yet hope for quiet, and in order to the making our quiet the more comfortable to us, when once we are come to a resolution about what relates to the public peace, and to the respect we owe to his majesty, we may have occasion of considering what laws may be necessary towards the facilitating the well-governing of ourselves and native country, both as to the regulating our carriage one towards another, and the securing our estates, from any thing that may be uneasy, from the distribution of justice between man and man, as to the improving of our trade and commerce abroad, and encouraging industry and frugality at home; for in all these things his majesty's care will not fail us. And my lord commissioner, amongst his many other advantages, is so well known to be a lover of his country, that we need not fear, but that he will give his concurrence in what he is allowed so freely to consent to.

My lords and gentlemen,

To encourage us to do all we can towards the service and the honour of our glorious monarch, let us consider him in all his personal advantages; whether in what relates to war or peace, where has the world afforded such another? One whose natural endowments have been improved by his great experience, at home and abroad, in armies and courts, by the greatest trials of the most differing kinds, those of prosperity and success, and of adversity and opposition, of hazards and toil, and of authority and command. Did ever man show so exact an honesty, in the strictest adhering to his word, such temperance and sobriety, so indefatigable a diligence in affairs, so undaunted a courage upon all occasions, and so unwearied a clemency towards the most obstinate malicious offenders? Did ever hero complete the character so fully, in overcoming bravely, and showing gentleness to the vanquished? And I must say, the triumphs of his patience are not his obscure glories; nor is the forgiving of those whose virulent tongues would have tainted his fame, if their malice could have reached it, what is least to be admired in him; what reputation other princes have laboured for, at the vast extent of blood and treasure, and the putting of a constant constraint upon themselves, sits so easy upon him, that what they would have, he forces from the consciences of his very enemies by his merit, and it costs him no more than to be himself. But this theme is not for me; I do him wrong, and while, it may be, at this very moment, he is receiving the acclamations of his good subjects, in the chief city of our neighbour nation, at the great solemnity of his coronation there, I am detracting from him here, by giving him too low a character. I shall only add, that he gave to subjects the greatest example of loyalty and obedience while he was one himself;

brother's reign, so the parliament was very obsequious to his desires, as the sufferers felt with a witness. The truth of the subsequent paragraph I cannot say so much for, 'that the aggrandizing his power and authority was necessary for their safety, and to secure their rights and properties.' This unlimited way of speaking would suppose an infallibility in popish kings as well as the pope, and will be matter of just doubt with every body of sense. However, he assures them, 'he would maintain his power and authority in its greatest lustre.' And he was as good as his word, and essayed it in the most extensive way, when he assumed the dispensing power. He adds, his design in this parliament, was to secure their religion; his was already secured to him by the test act, and they had a noble guardian of him to theirs, 'against all fanatical contrivances, and murderers, assassins;' and other hard words against such who were called now fanatics. Murders and assassinations were peculiar to his

and now he is an example to all kings in his love, his clemency, and care towards his people. Let us give him the return of our love, our fidelity, and our obedience. And seeing he takes pleasure in nothing so much, as in our felicity and prosperity, let it be an additional tie upon us to advance his honour and greatness, by all the endeavours of our lives, without reserve, and with our whole fortunes, which under his protection we may (if we please) so peaceably and comfortably enjoy.

The parliament's answer to his majesty's letter.

May it please your sacred majesty,

Your majesty's gracious and kind remembrance of the services done by this your ancient kingdom, to the late king your brother of ever glorious memory, shall rather raise in us ardent desires to exceed whatever we have done formerly, than make us consider them as deserving the esteem your majesty is pleased to express of them, in your letter to us, dated the 28th of March. The death of that our excellent monarch is lamented by us to all the degrees of grief, that are consistent with our great joy for the succession of your sacred majesty, who has not only continued, but secured the happiness which his wisdom, his justice and clemency procured to us; and having the honour to be the first parliament which meets by your royal authority, of which we are very sensible, your majesty may be confident that we will offer such laws as may best secure your majesty's sacred person, the royal family and government, and be so exemplarily loyal, as to raise your honour and greatness to the utmost of our power, which we shall ever esteem both our duty and interest. Nor shall we leave any thing undone for extirpating all fanaticism, but especially those fanatical

own religion, and abhorred by all real protestants. I only further observe, 1685. that to pave the way for the dispensing power he had in view, the laws and acts of former parliaments are termed, 'the good and wholesome laws by you hitherto offered:' a very diminutive way of speaking of the laws already made, to the legislature, which would not have gone well down in our old Scots parliaments. In the last place, he commends his commissioner, as a person zealous for his interests in the time of his greatest difficulties. Which probably was a true character, but how far for the duke's honour among real protestants, is left to others to determine.

The duke of Queensberry in his speech, acquaints the parliament, that the king's obliging letter had left little to him to say; and when matter fails, he falls a punning upon the day (April 28th,) and its being the coronation day in England, and his majesty's 'taking their advice as soon as he was upon the throne,' and the honour they had to be

murderers and assassins, and for detecting and punishing the late conspirators, whose pernicious and execrable designs did so much tend to subvert your majesty's government, and ruin us and all your majesty's faithful subjects. We can assure your majesty, that the subjects of this your majesty's ancient kingdom, are so desirous to exceed all their predecessors, in extraordinary marks of affection and obedience to your majesty, that (God be praised) the only way to be popular with us, is to be eminently loyal. Your majesty's care of us when you took us to be your special charge, your wisdom in extinguishing the seeds of rebellion and faction amongst us, your justice, which was so great, as to be for ever exemplary; but above all, your majesty's free and cheerful securing to us our religion, when you were the late king your royal brother's commissioner, now again renewed when you are our sovereign, are what your subjects here can never forget. And therefore your majesty may expect that we will think your commands sacred as your person, and that your inclinations will prevent our debates. Nor did ever any who represented our monarchs, as their commissioners, (except your royal self) meet with greater respect, or more exact observance from a parliament, than the duke of Queensberry (whom your majesty has so wisely chosen to represent you in this; and of whose eminent loyalty, and great abilities in all his former employments, this nation hath seen so many proofs) shall find from,

May it please your sacred majesty,

Your majesty's most humble, most faithful,
and most obedient subjects and servants,
In name of the parliament,

PERTH, Cancel. I. P. D. Parl.

At Edinburgh, 28th of April, 1685.

the first parliament under a popish king. Next he tells them, how mindful the king was of this kingdom's duty and loyalty to his late majesty, and himself when in Scotland. I did not know before that loyalty had been due to any subject, till we have it here extended thus far by this great patron of it. Indeed the duke of York was in effect king in Scotland before now. Then, to compose the minds of faithful subjects, he assures them of his majesty's princely resolutions to maintain the religion, and government of the church established by law, and of his favour to the regular clergy; and concludes what he is to say upon this head, with some encomiums upon their incomparable prince. He was so indeed in more respects than one, which the reader may guess at. His grace comes next to put the parliament in mind of their work, to assert the prerogative of the crown, and amply to establish the revenue; and when they have thus settled their king, their next work is to fall upon the sufferers. The king expects, from their prudence and loyalty, effectual means will be fallen upon for destroying that party. This is root and branch work indeed; and nothing will answer the expectation of a popish king, but the destruction of protestants. This had been the council's work for some time, and the parliament must ratify all they had done; and, to spirit them up to this work of destruction, he gives them names, which, without any stretch, might be easily turned over upon their bloody persecutors, enemies of mankind, wretches of such monstrous practices, as past ages never heard, and those to come will hardly believe, and execrable in their villanies. He insinuates, that they are no inconsiderable party, and have support and correspondence not yet discovered; and therefore presseth, that they be not longer dallied with, but that the utmost severity may be effectually applied, and all ways taken to find out their favourers, and their retired and secret haunts. Higher he could not run, than the utmost severities effectually applied; which indeed is a short character of the procedure of the council and army for some time; but his own conscience might know,

and the reader by this time does know, how much those poor people he speaks of as fanatics, had been dallied with; and I question much, if any where, even in France or Turkey, we shall meet with such bloody and inhuman exhortations from a throne, though they were very consonant, it must be owned, with the religion of him who filled it. Further, he comes to urge the parliament, to manage the prosecution of the noblemen and gentlemen alleged to be concerned in the late conspiracy, with the utmost violence; and aggravates that conspiracy, far beyond any thing that ever could be really found in it; and requires justice to be done upon the concealers, as well as advisers and contrivers of it, as knowing it was only concealing of what, they alleged, the laws required to be discovered, that could be proven against the persons to be sisted before them. This remarkable speech is concluded with a compliment, as I take it, mainly to himself, that though his unfitness to be commissioner, was more obvious to himself than any of them; yet he was resolved to serve his majesty firmly and boldly, as, he says, was his former practice in other great trusts; and this way he would make up his great defects.

The chancellor succeeded the commissioner in a handsome speech, far better said than the other, but, as the humour of this time ran now, larded with most virulent reflections upon the suffering party. I cannot but notice one part of it as the height of railing. The chancellor complains, "That a new sect was sprung up from the dung-hill, and the dregs of the people, who kill by pretended inspiration, who, instead of the temple of the Lord, &c. have nothing in their mouths but the word of God, wresting that blessed conveyance of his holy will to us, to justify a practice suggested to them, by him who was a murderer from the beginning; who having modelled themselves into a commonwealth, (whose idol is that accursed paper of the covenant, and whose only rule is to have no rule at all) have proceeded to declare themselves no longer his majesty's subjects. He adds, those monsters bring a public reproach upon the nation, while, in the foreign

gazettes, we are mentioned as acting the vilest assassinations, and horridest villainies." Here is a heap of scandal cast upon the societies; for though the general terms used now in the public papers, are levelled, so as they may reach all the sufferers under the terms of fanatics, yet this seems to point at their late declaration; and yet they many times declared, they never allowed nor practised assassination. This doctrine then must be left to the chancellor's friends the papists, since the society people say, they never wrested the scriptures to defend, or pretended inspiration to vindicate it; and, had they been for recriminating, they needed not have gone far off: the daily murders in the fields came much nearer assassinations, than anything ever they allowed. They pleaded likewise, that self-defence was no upstart sect nor doctrine, but as old as the reformation, Christianity, or humanity. It was false they were modelled into a commonwealth; and whatever overtures were made by one or two this way, if any such were, ought not to be charged on the whole society. A considerable part indeed of the sufferers, and many more than under the last reign, did not own the authority of a popish king, and could not subject to him. The chancellor perfectly mistakes, when he says, 'they made an idol of the paper of the covenant;' but most maliciously and groundlessly terms it a cursed paper, which we need not be surprised at from one who either had, or shortly did declare himself a papist; and the covenants are mostly levelled against popery. I shall not say, but some ignorant people, then and since, may have in some sense idolized our covenants, and most excellent things in themselves are apt to be so dealt with, and have run to some extremities in their opinion and expressions, as to those solemn and religious ties those nations are under; but the most part valued them, as they had good reason, being national actions, very much countenanced from heaven, and really the honour and glory of those nations.* On the whole, this unjust charge given in face of parliament, and published to the

world, is indeed a public reproach upon the nation, and being false, could not but expose the reputation of the kingdom, far more in the eyes of foreigners, than any of the little stories he mentions in the foreign newspapers. I shall say nothing of the beautiful picture he draws of his master the king, in the close of his speech; I love not to rake in his ashes, and allowances must be made to a servant, by this time, I suppose, a papist, and in such a post; and there was need of all the chancellor's eloquence, to recommend a popish prince to a protestant and free people.

When the parade of those speeches was ended, the parliament, at that first meeting, went through a great deal of work, or rather consented to what the managers had made ready to their hand: probably it would be their first work to agree to an answer to his majesty's letter, which is inserted in a note in this volume, p. 263. Generally speaking, this is a repetition of what was sent to them, and so the less needs be said upon it. They promised to leave nothing undone to extirpate all fanaticism, especially those fanatical murderers and assassins. It is good that any distinction is made; but however, extirpation is resolved upon against all, and in this they fully acted their part in the following acts. They chime in with 'the offering of the laws to the king,' the phrase now so much in fashion, and they desire his majesty to expect, that 'they will think his commands sacred as his person, and that his inclinations will prevent their debates; phrases agreeable enough to the language of some of the former parliaments. And they bring in my mind a few lines, written lately by a masterly hand, which perhaps may not be unwelcome to the reader.

" When first mankind were swayed by *passive* rules,
Princes turned *tyrants*, and their subjects *fools*;
These laid aside their sense, those took the sword,
And *I will be obeyed* was then the word:
To which the silly senseless slaves replied,
We're all your asses, pray get up and ride,
If e'er their sovereign bid them cut their throat,
The wretch made no demur, but cried, *he'd do't*;
If heads were sent for, unjust sentence given,
He that withstood his prince, resisted heaven:
So rather than they would their king control,
The people damn'd themselves to save their soul."

* Vide Vol. I. note p. 269. See also Preliminary Dissertation, p. xvii—xx.—Ed.

king's inclinations were discovered 1685. by the ministry, had few debates: every thing went smoothly on, all being upon one lay, till next year the dispensing power awakened a good number out of their lethargy; and, at this first sederunt, two very material acts were passed, besides what we have seen.

Decency and form led them to begin with religion, and accordingly, an act, 'for the security of the protestant religion,' is drawn up, and voted immediately. Though one would think, this had been the greatest work they had to do, under a popish king, yet it is soonest got through. I doubt not but a preconcerted draught was ready, and Argyle, and other patriots and protestants, who bred some trouble about the test, are out of the way. The act is so short, that it needs scarce be inserted in a note, and runs, "Our sovereign lord, with consent of his estates in parliament convened, ratifies and confirms all the acts and statutes formerly passed for the security, liberty, and freedom of the true church of God, and the protestant religion presently professed within this kingdom, in their whole strength and tenor, as if they were here particularly set down and expressed." It was not yet seasonable to appear openly against the protestant interest; and therefore, under pretence of ratifying former acts, without any thing of new security offered, a loose and double expression is thrown in, which might be in due time explained, 'the true church of God;' and when this was explained, nothing but the mere profession of the protestant religion remained ratified by this act. At the best we can suppose, here matters are left as they were, *vox et præterea nihil*; and since it was not convenient any thing should be done under his majesty, that might thwart with things and acts of another nature in view, the laws for the reformation are not yet abolished, but left as they stood, and no further hedges added to hinder a bigotted papist to model all at his pleasure; and yet this act was mightily magnified, as a proof of the king's sincerity in preserving our religion.

That same day, the parliament make 'their offer of duty to the king.' This is in the printed acts, and lies out of my road.

It is preceded by a declaration, which I have annexed in a note,* that the reader may observe how much the spirit of persecution had depressed and sunk the Scots nation,

* *Parliament's offer of duty, April 28th, 1685.*

The estates of parliament, now convened by his majesty's sovereign authority, taking into their consideration, how this nation hath now continued upwards of two thousand years, in the unaltered form of our monarchical government, under the uninterrupted line of one hundred and eleven kings, whose sacred authority and power hath been, upon all signal occasions, so owned and assisted by almighty God, that our kingdom hath been protected from conquest, our possessions defended from strangers, our civil commotions brought into wished events, our laws vigorously executed, our properties legally fixed, and our lives securely preserved; so that we and our ancestors have enjoyed those securities and tranquillities, which the greater and more flourishing kingdoms have frequently wanted. Those great blessings we owe in the first place to divine mercy, and in dependence on that, to the sacred race of our glorious kings, and to the solid, absolute authority wherewith they were invested, by the first and fundamental law of our monarchy; nor can either our records, or our experience instance our being deprived of those happy effects, but when a rebellious party did, by commotions and seditions, invade the king's sovereign authority, which was the cause of our prosperity; yet so far hath our primitive constitution, and fundamental laws prevailed against the innovations and seditions of turbulent men, as that those interruptions never terminated, but either in the ruin, or at least the suppression of those who at any time did rebel, or rise in opposition to our government. And since so many ages have assured to us the great advantages, which flow down to all ranks of people from the happy constitution of our monarchy, and that all our calamities have ever arisen from seditious invasions, upon those sacred rights; therefore the estates of parliament for themselves, and in name of the whole kingdom, judge themselves obliged to declare, and they do declare to the world, that they abhor and detest, not only the authors and actors of all preceding rebellions against the sovereign, but likewise all principles and positions which are contrary, or derogatory to the king's sacred, supreme, sovereign, absolute power and authority, which none, whether persons, or collective bodies, can participate of, any manner of way, or upon any pretext, but in dependence on him, and by commission from him. And as their duty formerly did bind them to own, and assert the just and legal succession of the sacred line, as unalterable by any human jurisdiction; so now on this occasion, they for themselves and the whole nation represented by them, in most humble and dutiful manner, do renew the hearty and sincere offer of their lives and fortunes, to assert, support, defend, and maintain king James VII. their present glorious monarch, and his heirs and lawful successors in the possession of their crowns, sovereignty, prerogatives, authority, dignity, rights and possessions against all mortals, and therewithal to assure all his enemies, who shall adventure on the disloyalty of disobeying his laws, or on the impiety of in-

and how slavish they are in their politics, and how little sense of liberty remained now with them. The parliament, in this declaration, runs out upon the antiquity of our nation, upwards of two thousand years, in an uninterrupted line of one hundred and eleven kings, in pretty positive expressions, whereby their parliamentary authority is some way embarked upon the advocate's side, in his controversy with the bishop of St Asaph. I hope they are right as to the antiquity of our nation, but can never think, that the blessings narrated in the declaration, are owing to the absolute authority, wherewith our kings were invested by the fundamental law of our monarchy, for this reason, that they had no such absolute authority; and it is most plain from our history, and our oldest records, that the authority of our Scots kings

vading his rights, that these shall sooner weary of their wickedness, than they of their duty, and that they firmly resolve to give their entire obedience to his majesty without reserve, against all his enemies, foreign or intestine; and they solemnly declare, that as they are bound by law, so they are voluntarily and firmly resolved, that all of this nation, betwixt sixty and sixteen, armed and provided, according to their abilities, shall be in readiness for his majesty's service, where, and as oft as it shall be his royal pleasure to require them.

And since the excise of inland and foreign commodities, granted to king Charles II. of ever blessed memory, by the fourteenth act of the parliament 1661, during all the days of his lifetime, and prerogate by the eighth act of the parliament 1681, for five years thereafter, will shortly terminate; and the estates of parliament considering the usefulness of this grant, to support the interest of the crown, do, as the first evidence of their sincerity, in the foresaid tender of their duty, humbly and unanimously offer to his most sacred majesty, king James VII. their present monarch, and to his lawful heirs and successors in the imperial crown of Scotland, the said excise of inland and foreign commodities, express in the said fourteenth act of parliament 1661, to be collected in the manner prescribed by the said eighth act of the parliament 1681, for ever; and his majesty and estates of parliament, by force of this act, have united, annexed, and incorporated, and unite, annex, and incorporate the same to the crown of this realm, to remain therewith in annexed property, in all time coming: and in respect that the alteration in the method of collecting the inland excise, from what it was by the act 1661, to that prescribed by the eighth act, parliament 1681, will require some time to establish it in collection; therefore his majesty, with consent of the estates, continues the collection prescribed by the fourteenth act, parliament 1661, of the inland excise for three months, from the first of May next alienary.

was very far from being absolute. 1685.
Next, they declare their detestation of all principles and positions, contrary or derogatory to the king's sacred, supreme, sovereign, absolute power and authority, which none, whether persons, or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence upon him, and by commission from him. This is a stretch of the prerogative beyond reason, law, and scripture, and to me appears to clash with several of our standing laws, as to the liberties and privileges of parliaments. Consequentially to this declaration, they promise entire obedience to his majesty, without reserve; which is certainly more than any mortal, far less a papist, ought to claim. They conclude their paper with annexing the excise to the crown for ever; which is a step of loyalty, beyond what other parliaments could hitherto be brought up to.

By this time the reader hath some view of the progress this loyal parliament makes in one day. One would think, they needed have sit no longer, after they had made a resignation of themselves, without reserve, to their king, and that they might have left the rest of the things to be done by him; but it was proper that some more particular acts should yet be passed, under the shadow of parliamentary power, which I shall just now come to. If once I had noticed, that the privy council, this same day, emit a proclamation, for putting the kingdom in a posture of defence, which is likewise annexed in a note* probably by

* *Proclamation for putting the kingdom in a posture of defence, April 26th, 1685.*

James, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as these traitorous conspirators, who designed the horrid and sacrilegious murder of our dearest brother, the late king, of renowned and eternal memory, and the destruction of our ancient monarchy, continuing still in the same hellish project and fury against us, and our royal government, are now again setting their designs on work, to raise commotions in this our ancient kingdom, as being the last strugglinge of them and their execrable party, and the utmost effects of their absolute despair; for preventing where-

1685. this time the government had some hints of the intended invasion upon Scotland, by the earl of Argyle; and with a view to this, the council gives this alarm to the nation. Observations upon it may be very short. The title given to the late king, "our dearest brother, of renowned and eternal memory," is one evidence of the low pass religion is at, when the incommunicable perfections of the Deity, are, without any ceremony, attributed to creatures in flattery and adulation. The militia in the

of, and bringing these desperate and execrable traitors to just and condign punishment, we, with advice of our privy council, do hereby strictly require and command, all and every of the subjects of this our realm, that they be in readiness, in their best arms, to concur and assist us against any the foresaid commotions, or insurrections, as they shall be advertised; and particularly, we hereby require and command all and every the colonels of our militia regiments of foot, and captains of horse, and the inferior officers and soldiers under their command, in the shires respective and underwritten, viz. the Merse, Teviotdale, Peebles, Selkirk, East, Mid, and West Lothians, town of Edinburgh, Stirlingshire, Fife, and Kinross shires, the four companies of the low country, of the earl of Perth our chancellor's regiment, and the three companies of the low country, of the marquis of Athole lord privy seal his regiment, the sheriffs of Forfar and Kincardine, and all the heritors, liferenters, feuars, and wadsetters in the shires of Ayr, Renfrew, Clydesdale, Wigton, Dumfries, and stewartries and bailiaries within the same, to be in readiness with fourteen days' provision, to march when, and whither our privy council shall give them orders, and, to that end, to have their arms fixed, and their several companies of our militia presently mustered, and the heritors and others aforesaid, listed, modelled in companies, and mustered for the putting them in a condition of a greater readiness. And further, we hereby require and command all persons, fencible men, betwixt sixty and sixteen, within the shires of Aberdeen, Banff, Elgin, Nairn, Inverness, Ross, Sutherland, and Caithness, to be in readiness in manner foresaid. As likewise, we hereby require and command all our lieges on the sea-coasts of this kingdom, or near to them, or to any of the islands thereunto belonging, so soon as they hear, or get notice of any vessels arriving at any place from abroad, or at home into any coasts, ports, creeks, or harbours, with men, arms, or ammunition, forthwith to convocate and rise in their best arms, and to beat them off, or seize upon, and secure the ships or vessels, and the men, arms, and ammunition, and give immediate advertisement to our privy council; and for their security in obeying these our royal commands, we hereby fully pardon and indemnify them for ever, of all slaughter, blood, mutilation, fire raising, burning of ships, or such like warlike inconveniences as may follow, in case they meet with hostile opposition. And we hereby require and command all our collectors, customers, or waiters,

eastern shires, and all the fencible men in the northern shires, are commanded to be in a readiness, with fourteen days' provision; and only the heritors, feuars, liferenters, and wadsetters in the western shires, have this trouble given them. The presbyterian gentlemen, generally speaking, in these shires, were either forfeited, or in prison, and the rest had gone into the test; but the common people, after so much barbarity could not be depended upon. Particular care is ordered to be taken of the coast-

to make strict and diligent search and inquiry in all ships arriving in any part of this kingdom, for traitors, rebels, fugitives, or disaffected persons, and for arms and ammunition, and to seize upon the ships, men, arms, and ammunition, until they acquaint our privy council, and receive their directions thereanent: and to the effect they may the better be able to perform this service, we do require all our subjects nearest to them, as they shall be by them advertised, to rise, concur with, fortify, and assist them, who, and these so assisting, are hereby declared to be fully indemnified in manner foresaid. And that all the persons aforesaid may know their hazard, if they fall in any of the premises, we hereby declare, that they shall not only incur our high displeasure, but also shall be punished with the utmost of severity, conform to their demerit, and the laws and practice of this kingdom; and that the heritors, which shall be deficient in sending out their tenants, and other fencible men, or shall not give advertisement, as said is, and of any rebels and traitors appearing on their lands, that they shall be punished accordingly. And to the end the said desperate traitors and rebels may have no reset, harbour, comfort, or refuge from any of the subjects of this our realm, we hereby strictly prohibit and discharge all and every of our subjects therein, to furnish house, meat, drink, or any other thing comfortable to them, or to keep intelligence or correspondence with them, by word, writ, or message, or to transport them to, or from ferries, or any ways to be aiding, abetting, or assisting to them, under the pain of being reputed and esteemed art and part with them in all their wicked deeds and practices, and proceeded against, demeaned, and punished accordingly. And that our pleasure in the premises may be fully known to all our lieges, our will is, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and all the other market-crosses of the head burghs of the shires of this kingdom (and all places else needful) and thereby open proclamation, in our name and authority, make publication of our royal will and pleasure in the premises, that none pretend ignorance.

Given under our signet at Holyrood-house, the twenty-eighth day of April, one thousand six hundred and eighty five, and of our reign the first year.

Per actum dominorum secreti concilii.
WILL. PATRICKSON Cl. Secr. Concilii.
God save the king.

owns; and all are required to obey collectors, custom-house officers, and waiters, and rise with them upon their call; and such who correspond with any now called rebels, or do not inform against them, are to be reckoned art and part with them. This brought new hardships upon the sufferers.

To return to the parliament, they are very close at their work, and the most part of their acts, either directly, or by consequence, relate to the subject matter of this history.

Upon the first of May, two acts are made to facilitate processes of treason before the justiciary, now in dependence, and to remove obstructions in the road of forfeiting and ruining noblemen, gentlemen, and others. By one of them, 'The king and estates of parliament, approve and ratify the former custom used by his majesty's commissioners for justiciary, in proceeding against pannels already in prison, and indicted for treason, in twenty-four hours: but for the future his majesty allows such pannels to be cited upon forty-eight hours.' This is not the last instance we shall meet with of the parliament's approving the irregular procedure of the managers of the persecution at Edinburgh, yea, to do so, seems to be a great part of their work. They make laws to look backward, and give a kind of parliamentary pardon and protection, for former violations of the rights and liberties of mankind. It is but a very little that they mend the matter, and after they have made themselves guilty of the irregularities of the justiciary we have heard of, the time is allowed to be doubled. I pretend to no knowledge in criminal forms, but twenty-four or forty-eight hours appears to me a very short time for men to make defences upon life and death. And this itself does not reach the cases of several we have met with, who were taken, tried, and executed in less than twenty-four hours. And the acts being confined to pannels in prison, mends the matter very little, since the officers of the army, and I know not how many others, were empowered to imprison when they pleased.

The other act of the same date, statutes and ordains, "That such who being cited to be witnesses in cases of treason, house or

field conventicles, or church irregularities, do refuse to depone, they shall be liable to be punished as guilty of those crimes respectively, in which they refuse to be witnesses; it being always declared, that those depositions so emitted, shall not militate against the deponent himself any manner of way." Certainly, it was neither the necessity, nor reasonableness of the matter here statuted, which brought the parliament into this law, but merely to ratify and give weight to the former procedure of the privy council, and justiciary. Some reflections, I suppose, have been made already upon this practice. It must be reckoned severe and hard upon a man, because he will not witness against his neighbour, friend, or father, for being at a field-conventicle, to find him guilty, and send him in to eternity, as is ordained just now by another act. It needs scarce be further observed, that this act is calculated to expose the whole of the sufferers to the odium of the world. Treason and church irregularities are put on a level, and classed together. And it is framed to encourage deponents against the persecuted party, by freeing them from any share in the guilt, that might fall upon them by their deposition: but some of them, as we have heard, found that the government wanted not other means, when their service was over, to make them as guilty as those against whom they are thus encouraged to swear even without using their own depositions.

By the written minutes before me of this sederunt, I find that Cesnock's bill for exculpation, was this day, May 1st, before the lords of the articles, consisting of his defences, that he was *alibi*, that such as he had conversed with, who were at Bothwell, had taken the bond, that his case was *res hactenus judicata*, and an enumeration of the steps of his loyalty: but the short hints before me do not bear what was done about it. We shall find him afterwards forfeited.

Upon the 6th of May, three other most iniquitous acts were made; the first whereof, my written account says, was passed *nemine contradicente*; and all of them, with the former two, were that same day touched with the sceptre, to the lasting reproach of

1685. this parliament, and as evidences what men, protestants, and presbyterians in particular, may expect under a popish prince. They deserve our particular consideration. The first of them is against the covenants, and I insert it here. "Our sovereign lord, and estates of parliament, do hereby declare, that the giving or taking the national covenant, as explained in the year 1638, or of the league and covenant, (so commonly called) or writing in defence thereof, or owning them as lawful or obligatory upon themselves or others, shall infer the crime and pains of treason." No doubt, by this act, the prelates and enemies of presbyterians, reckoned they had gotten the grave-stone put upon the covenanted work of reformation; but a very great body of people still owned it, and that notwithstanding this iniquity established by a law; and this work, which was the glory of these kingdoms, had and hath its witnesses, and even a resurrection at the happy revolution, when our doctrine, worship, discipline and government were legally settled.

In the first book of this history, some remarks have been made upon the treatment given by the first parliament after the restoration to those solemn and religious ties upon those nations. It was not so decent in king Charles II. lifetime, to declare him a traitor, and his father much the same, for ratifying the national covenant with the explanation of it in parliament. This honour was reserved for his brother, who had never taken the covenants indeed, but probably was a good catholic from his very youth, at the expense of contradicting his father's dying charge. When I am upon this head, I cannot but take notice of that remarkable letter king Charles II. wrote with his own hand to his brother then duke of York, to prevent his turning papist, November 10th, 1654. It hath been already printed, but being put in the hands of but a few, I thought it a piece of justice to his memory, to preserve it here, and it follows.

Cologne, November 10th, 1654.

DEAR BROTHER,

"I HAVE received yours without a date, in

which you mention, that Mr Montague has endeavoured to pervert you in your religion. I do not doubt but you remember very well the commands I left with you at my going away, concerning that point, and am confident you will observe them; yet the letters coming from Paris say, that it is the queen's purpose to do all she can to change your religion; which if you hearken to her, or any body else in that matter, you must never think to see England or me again; and whatever mischief shall fall on me or my affairs, from this time I must lay all on you, as being the only cause of it: therefore consider well what it is, not only to be the cause of ruining a brother that loves you so well, but also of your king and country. Do not let them persuade you, either by force or fair promises; for the first, they neither dare nor will use; for the second, as soon as they have perverted you, they will have their end, and will care no more for you. I am also informed, there is a purpose to put you into the jesuits collage, which I command you on the same ground never to consent unto; and whenever any body shall go to dispute with you in religion, do not answer them at all; for though you have reason on your side, yet they being prepared, will have the advantage of any body that is not upon the same security that they are. If you do not consider what I say to you, remember the last words of your dead father, which were, to be constant to your religion, and never to be shaken in it. Which if you do not observe, this shall be the last time you will ever hear from."

"Dear Brother,

"Your most affectionate Brother,
"Charles R."

It had been the late king's interest, if he had in the succeeding part of his life, discovered an equal concern for the protestant religion, to what he shows in this letter; and it held true in great measure, that the mischief which fell on him and his affairs, was to be laid upon his brother's turning papist. However, this letter was forgot, as well as his father's declaration to his mother, that the covenanters were his firmest friends, when the king came in to popery,

and now to this virulent act against the covenants.

It was an act very agreeable to the first parliament of a popish king, and a necessary prelude to the introduction of popery to Scotland, the national covenant being, since the reformation, our great barrier against popery, and even the explanation of it, a strong additional security. And to promote this reintroduction, now so much at the king's heart, and less or more in his eye in all his public steps, he sticks not to cast a slur upon his brother, father, and grandfather: holy mother church, the scarlet whore, is dearer to him by far than their reputation. It is hard to tell how much iniquity and wickedness is wrapped up in this short act, perhaps in part it was designed for a vindication of the former actings of the managers, for several years, against multitudes whom they butchered, for little other reason, than their adhering to these sacred vows unto the Lord. The declaring writing in defence of the covenants to infer treason, was evidently unreasonable and severe, but very agreeable to the popish methods of keeping people in gross ignorance of the truth, to say nothing of its bringing many eminent and learned divines through all the reformed churches, whom I could name, under the guilt of this statutory treason. I do not enter upon the irreligion and impiety of this singular act. Multitudes have unanswerably proven, that nothing is contained in those solemn transactions with God, but what, prior to the superadded religion, and tie of those oaths, was morally obliging upon the consciences of all, by the divine law. What a dreadful fighting against God, and counteracting of his holy law, a casting his cords from them, and his law behind their back, must the authors of this act then lie under? In short, this was, as far as lay in the parliament's power, a national step backwards to Rome and popery, and a practical renunciation of the solemn resignation made of those lands to the Lord; and consequently matter of deep mourning even to posterity, and a blot upon a reformed kingdom, which cannot be taken off by rescissory acts, till we return nationally with weeping and mourning, and join ourselves to the Lord in

a covenant never to be forgotten.

Here I cannot but observe, what I 1685. have from two worthy persons, present when the late excellent duchess of Hamilton, more than once, told the sentiments of Dr Burnet, since bishop of Salisbury, signified to her grace upon our national covenant. Particularly one day when the conversation fell in upon the sufferings of presbyterians, for adhering to the covenant, the doctor spoke of the national covenant with a great deal of respect, and said, He believed it would never be well with Scotland, until we returned to that covenant, and renewed it. This was when the doctor was last in Scotland. Indeed, in my opinion, this may be reckoned an overt act of treason against heaven, and the one Lawgiver, who is able to save and to destroy, a national sin, which filled our cup very much, and a trampling under foot the glory of this nation, an act, in one word, which could never have been made but by apostate protestants, under a popish prince.

As the former act was ungodly, so the next was unreasonable. The apostle of the Gentiles classes the two together; in the primitive times, and they have frequently since been found to be of a kin. By this they obliged husbands to be liable for their wives' fines. The unreasonableness of it hath been pointed at before. The matter of this act passed the council with a considerable struggle, and now it must have a parliamentary sanction, to save the managers from after-inquiries; and this is almost the very narrative of the act. No pretence of righteousness or equity is alleged, but we are frankly, if not bluntly, and plainly told, 'our sovereign lord considering, that the lords of his privy council, and others commisionate by his majesty and them, have fined husbands for their wives' withdrawing from ordinances, doth, with advice and consent of the estates of parliament, declare the said procedure to have been legal, and ordains the same to be observed in all time coming, and ratifies all decreets and sentences granted against husbands for such fines, reserving always power to the lords of his majesty's privy council, to absolve or mitigate the fines of such husbands, as are known to be of loyal principles.'

1685. The unaccountableness of this statute needs not to be insisted upon.

This parliament, in their wonderful power, declare a practice legal, for which there was never a law, and of which a just reason can never be given, and ordain it to be observed in all time coming; and though the reservation at the end of the act be added, in order to soften so shocking a thing, yet really there is nothing here but a blind, since the council had this power as to the matter of fines in every case, and were ready enough to exercise it in the processes of kin, friend, and ally.

Their third act this day, runs yet deeper, and was framed, not only to look back to what was past, but to catch a great many gentlemen and others, and bring them to ruin in their bodies and estates. The illegal and harsh sentence passed by the justiciary, at the direction of the council, against that excellent gentleman and Christian John Porterfield of Duchal, above narrated, made a terrible noise, and was plainly enough perceived to have been in order to gratify a particular manager with his estate. It was necessary then *ex post facto*, to confirm this sentence by a posterior law. Therefore 'the king and estates of parliament do ratify, approve, and confirm the sentence of forfeiture, pronounced by the commissioners of justiciary, against John Porterfield, sometime of Duchal, and the interlocutor and whole proceedings of the said commissioners in that process, and declare the same was conformable to the laws of this kingdom; and in general, statute and declare, that the concealing and not revealing of supplica, given to, or demanded for traitors forfeited for treason, against the king's person and government, is treason, and is to be judged of accordingly.' Unhappy were the people who lived at this time! for I scarce see how any body almost of business, could be free from the things now made treason. This act was a second punishment for the same fault, if it be a punishment, and not an honour, to be condemned by such a parliament as this. This good man, for any thing I know, was neither called nor heard in his own defence, before this second sentence, and the iniquity done to him is established by a law, to be a rule to judge others by.

Upon the 8th of May, the parliament come to give the last stroke, and I may say, to do their utmost against conventicles, and the liberty of the gospel, in their eighth act 'against preachers at conventicles, and hearers at field-conventicles,' which deserves a room here, as a flaming evidence of the wickedness of this time. "Our sovereign lord considering the obstinacy of the fanatical party, who, notwithstanding of all the laws made against them formerly, persevere to keep house and field-conventicles, which are the nurseries and rendezvouses of rebellion, therefore his majesty, with consent of his estates of parliament, doth statute and ordain, that all such as shall hereafter preach at such fanatical house or field-conventicles, as also such as shall be present, as hearers, at field-conventicles, shall be punished with death, and confiscation of goods." It is an irksome task I have brought myself under, to transcribe all those terrible acts; and it had been much for the honour and reputation of Scotland they had never been made. But since the actors were not ashamed of such bloody laws, it is but reasonable they should bear the just reproach owing to them, by a faithful narration of matter of fact; though it is with the utmost regret I intermix my history with those unparalleled and sanguinary acts. If I did not fully know the native spite and enmity of many of the managers against the presbyterians, and the preaching of the gospel, which was, in the case of conventicles, heightened by the virulence of the prelates, and made them stand at nothing, that might bear hard upon those sufferers; I would have been ready to imagine, that such an act as this was made as a preface and inducement to all sober people, to remove the penal laws in *gro*, at the next parliament, and matters were screwed up to this height, that all might break, and papists get free. But it was better ordered in Providence, and the shadow of parliamentary power, was never got interposed in this matter; and presbyterians chose to lie under those horrid laws for some time peaceably, rather than have any active hand in taking down the fences of the reformation; and any thing done this way, as we will hear, was done by the assumed power of a papist.

To return, the reader already knows, what the law at this time made to be a house-conventicle, wherever more than five persons not belonging to the family, are in a house at worship, or a sermon; and in this case he who preached or prayed must die, and have his goods confiscated. If any such law as this was made since Nero's time it is more than I know of, and sure it cannot be paralleled in any protestant country, and very little like it offers to me, even in popish countries, that ministers of the gospel, for preaching of the gospel, and, according to their charge from their Lord and Master, fulfilling their ministry, should for this forfeit their life. Had it been restricted to preaching against the government, there had been some colour for so terrible an interdiction; but for preaching Christ, and the saving truths of the gospel, in a private house, as the apostles did, when most groundlessly presbyterian ministers had fallen under the displeasure of the government, and were never deprived or censured by any competent power, that for this, I say, they should die, is a wickedness beyond my expression; and that clergymen, protestant bishops, should not only approve and vote this, but press and procure its being passed into a law, cannot but astonish posterity.

The same things, and several more might be said, as to hearers at field-conventicles, their being appointed to death by the other part of this act. Any who look into the printed acts will see, that by act 5. parl. 2. sess. 2. Char. II. against conventicles, it is declared to be a field-conventicle, where there are more persons present at sermons preached at any house, than the house can hold, so as some be without doors. By this act I am upon, any person present at such meetings, is punishable by death, and confiscation of goods, in the same manner as the meeting hath been held in the fields. This act, beyond contradiction, discovers the true spirit of antichrist, that malignity and bitterness against the gospel of Christ, and the pure preaching of it, to be now working; and popery at this time diffused itself every where from the throne. Indeed the whole of the managers almost were now either papists, or ready to declare

themselves papists, or people of such slavish principles, as to fall in with 1685. every thing which would please the zealous papist upon the throne. This is the best and only apology I know of for such acts as those. They had promised to hold the king's commandments sacred, and without reserve, to obey him even in his very inclination, when known; and they were as good as their word.

Another act follows that same day, 'concerning judicial confessions before the justiciary,' and it is statute, "that all confessions of parties after an indictment, in case of treason, emitted before the justiciary, and signed by the pannel or judges, are to be probative to the assize, as if the same had been emitted in their presence, and if the assize assoilie in this case, they are liable to a process of error." I know not the particular views of making this act. Whether it was designed to vindicate their bringing in the acknowledgments of prisoners, before the council and committee for public affairs, as sufficient documents before the justiciary, because signed by the clerk and some lords, which the act indeed comes not fully up to, or it may be the managers inclined to be rid of the gentlemen of the assize in some examinations before the justiciary, where in some cases they had proved troublesome to the judges; and yet it appears highly reasonable, that the assize being judges of the probation and matter of fact, ought to be present, and have all the light they can during the pannel's examination, and not depend upon the judges and clerk, who are in this case the only witnesses of the pannel's confession; and accordingly their presence was ordered by act 90. parl. 11. Jam. VI. But it was some easier to get judicial confessions worded as the clerk and court pleased, signed by themselves, to be laid before the assize; and this may be presumed to have been the case of the poor ignorant country people, who were soon, as we heard, circumvened by captious questions, to declare they had owned the covenants, and had been at field-meetings, which was now death.

The last act I name, passed this day, "declares all subjects who refuse to accept

1685. of the offices of magistrates, justices of the peace, constables, officers of the militia, or any other employment laid upon them by his majesty or his council, to be fineable for their contempt." This was hard enough upon people of conscience, who could not think of being executors of these dreadful sanguinary laws at this time made, and proved a good handle for exacting swinging fines from many worthy and excellent gentlemen, and others, who refused concurrence in those things. It was now a happiness to be out of Scotland.

Upon the 13th of May, the parliament pass the 'act for supply,' which needs not be insert here. In short, from their alleged sense of hazard from fanatics, and because the present forces may be too few for protecting the country, they offer his majesty two hundred and sixteen thousand pounds yearly, over and above the five months' cess already imposed, which amounts to eight months' cess yearly; and this they settle upon his majesty during his life, imagining, it seems, they would never be rid of fanatics while he lived and reigned. Indeed the proceedings of this period awakened people out of their slumber and security, and revived a sense of liberty, and concern for religion. This was truly the character of the most part now called fanatics; and if those be they, the managers were not rid of them this reign.

The same day the imposition of the test is renewed by their 13th act, 'for taking the test;' which being a little longer than those before, the reader will find at the foot of the page.* By this act the test is ex-

* *Act for the test, May 13th, 1685.*

Our sovereign lord, with consent of the estates of parliament, statutes and ordains, that all protestant heritors, liferenters, and others having right to liferents *jure mariti*, wadsetters, tacksmen having tacks for longer time than for eighteen years, all masters of ships, and such other burgesses, and inhabitants of burghs, whether of royalty, regality, or barony, as are not heritors, who shall be appointed by the privy council, take the test prescribed by the sixth act of the parliament, 1681, before the first day of November, for all such as live beneath the river of Tay, and the first day of January next, for all benorth Tay; and for that end, that all noblemen, and their eldest sons, above the age of eighteen years, shall compare before his majesty's privy council; all masters of ships, and burgesses aforesaid, shall compare before the provosts, or bailies of

tended to all heritors, liferenters, taxmen, &c. of the protestant religion, above eighteen years. It is observed in a written account of this parliament before me, "That the bishops of Ross and Dumblain, reasoned against imposing oaths on ignorant people; and humbly moved, that this might be further considered before the act passed. To break this, or to wave it, Lauderdale, seconded by Eglington and Linnlithgow, moved, that it should be extended to women as well as men. But this was not gone into. Sir John Lauder moved first, that the test should not be limited to those of the protestant religion, as being designed to exclude papists, and bishop Ramsay seconded him; but was answered by the bishop of Edinburgh, who appeared a mighty advocate for the Roman Catholics that day, and mostly insisted upon the act against separation in the parliament 1670, which was restricted to those of the reformed religion." This court bishop carried his purpose; and the act was voted and touched that day. What I have said before on the last act of parliament as to this subject, will save me the trouble of making remarks here. The duke of York's threatening, that the edge of this act should be turned from catholics, is now fully accomplished. And it was scandalous in protestant bishops, to appear for the relief of papists, when protestants were tied down. The refusal of the test is now only to be punished with such pecunial sums as

the burgh to which they belong; and all others foresaid, before the sheriff of the shire where they live, at some time before the said day, and there shall swear and subscribe the said test, before the judge, and clerk of the court, with certification, that such as fail in swearing and subscribing the test, as said is, shall be punished in such pecunial sums, as the secret council shall determine, to be disposed of by his majesty, at his royal pleasure. It is always declared, that this act extends not to women; and all clerks are hereby ordained to send in lists of such as have taken the test, within their respective jurisdictions, to the clerks of his majesty's privy council, before the first day of February next to come, under the pain of losing their office, and to be punished otherwise as the privy council shall determine: But such as have already sworn and subscribed, shall not be obliged to renew it on this occasion. And further, his majesty, with consent foresaid, doth ratify and approve what is already done in offering the test by his majesty's privy council, justice-court, or any commissionate from any of them, or by sheriffs and other magistrates, declaring the same to have been good service to the king and country.

the council thinks fit, and by this act women are delivered from the test. And all such as have already sworn and signed, are not obliged to renew the same. Perhaps in all this softness there might be a snake in the grass: but it were desirable, that the equity of that clause against renewing the taking of oaths already sworn, were imitated more in the imposition of public oaths. Lastly, what the council, &c. did in offering the test, is ratified, and declared to be good service, that is, the explication given by them, as I take it. And so the noble earl of Argyle is vindicated upon the matter, in offering an explication to the council, when he took the test; and the most and strongest reasonings against him in his process, fall.

That same day, in the afternoon's sederunt, their 16th act, 'anent the justices of peace,' is passed. It is very much calculated to carry on the persecution up and down the country; and so I have annexed it in a note.* The justices of the peace

* *Act anent justices of the peace, May 13th, 1685.*

Our sovereign lord, considering the many advantages which his lieges might have had, if the justices of peace had exercised their function, with that diligence which the law required, and the many evils, especially in ecclesiastic disorders and irregularities, which might have been prevented by their care: for remeid whereof, in time to come, his majesty with the consent of his estates in parliament, doth hereby ratify, approve, and confirm the eighth act of the parliament 1617, intituled, 'act anent the justices for keeping of the king's peace, and constables,' the twenty fifth act of the parliament 1633, and the thirty eighth act of the parliament 1661, intituled, 'commissions and instructions to the justices of peace and constables,' in the whole heads, articles, and clauses contained in them. And farther, his majesty gives full power, authority, and commission to the said justices, to put the laws in execution against all who shall be guilty of conventicles, irregular baptisms and marriages, withdrawing from church ordinances, and other such disorders, in so far as they are not capital, conform to the laws made thereanent; and where the crime is capital, they are to secure the persons, and acquaint the sheriff, or other judge ordinary thereof: and it is declared, that in their proceedings against church-irregularities, baptisms, marriages, and conventicles, the justices may proceed immediately without waiting any time after the crimes are committed; and their clerk is appointed to send information of their proceedings once in the quarter, to the clerks of the council, as they will be answerable. And for their further encouragement, his majesty allows unto the said justices of peace, the fines of all, except heritors, which shall arise from these delinquencies

were nominated by the managers about Edinburgh, who took care to 1685. name such as were agreeable to their designs. Those justices of the peace lived generally in the country, and were at the clergy's hand, to apply to, and concert measures for oppressing their people. In order to this, after an ample confirmation of all their powers, they have the execution of the law against "conventicles, irregular baptisms and marriages, and withdrawing from church-ordinances," committed to them, and they are allowed to proceed summarily, and have the fines given them that are not uplifted from heritors. The council, by the former act of parliament, are empowered to fine, at their pleasure, such as are nominate, and do not wait on at the meeting of the justices, and to nominate justices of the peace, and enlarge their powers; and what the council does herein, is ordained to have the strength of an act of parliament. It was above noticed, that this affords a good foot for persecuting a great many worthy gentlemen, who lived peaceably and regularly, and yet would not actively concur in the oppressive and bloody measures now formed into laws.

judged by them, to be employed for explicating of their jurisdiction, as they shall think fit, and for discovering of what the fines of heritors shall amount to. The clerks of these courts are hereby appointed to send a subscribed list of them to the clerks of exchequer, in the first week of November yearly, under the pain of deprivation. And his majesty, with advice foresaid, allows the justices to nominate their own clerks at their first meeting. Attour, his majesty and estates foresaid, give full power, authority and commission, to the lords of his majesty's privy council, upon the decease of any of the justices of peace, to nominate others in their place, and to set down and impose penalties upon such of the justices as shall not keep and observe the diets prefixed for their several and particular meetings, according to former acts, and an act made in this parliament. And with power likewise to the said lords of privy council, to enlarge and amplify the power and authority of the said justices of peace, if they shall find it necessary and expedient: and what the council shall decree and determine thereanent, find and declare, that the same shall have the force, strength, and power of an act of parliament. It is always declared, that sheriffs, stewarts, and bailies of bailiaries, regalities and baronies, are to remain in the possession and exercise of their former rights, according to the laws of the kingdom; any thing in this act notwithstanding.

1685. May 15th, the criminal process comes on against the noblemen and gentlemen underwritten, who, we heard, were cited to this day; and I shall give all this process together, in the different diets of it, in this place, from the written account I have more than once referred to; and when this is over, which was one of the chief works of this parliament, we shall quickly get through the rest of the acts. The late alleged conspiracy was the pretext of forfeiting those worthy patriots; but this process was really intended against them, because they were averse from prelacy, favourers of presbyterians, and possessors of good estates.

This day the parliament have read before them the king's letter to the council, and their orders to the advocate to cite them, the dittay against them all, a libel against Harden younger, two additional libels against Hay of Park, and Ardkinglass. Then the executions, and oaths of heralds and witnesses are taken; and the advocates for the pannels, Messrs Hume, Fletcher, Pringle, are admitted, and all bills and objections are remitted to the lords of the articles. There were present, Sir William Scot, Cesnock elder and younger, Hay of Park, John Weir of Newton, Campbell of Ardkinglass. The other sixteen, already named in the citation, are absent.

Friday, May 22d, dittay is read against Sir John Cochran, Polwart, Torwoodlee, and the heirs of Mr Martin; and the advocate insists Imo against Sir John Cochran. The first article of his libel, anent the plot, is voted relevant. Probation is, Alexander Monro, who is present, and adheres to his deposition formerly given in Jerviswood's process, and printed there, which is read to him, and he signs it. Then, contrary to repeated promises and declarations, as we have heard, Mr Carstairs's printed deposition is read, and the clerks deponed they saw him sign it. Next, Burn and another Englishman's depositions, signed by the English secretary, are read. Then the advocate adduced the form of proceedings in the like cases before the parliament, in the case of the popish lords, 1594, and against Robert Logan.

After all, the advocate had a speech to the parliament, wherein we may guess he would aggravate the conspiracy, from what we saw above in Jerviswood's case. Then the parliament voted the probation sufficient. The advocate, in the next room, insisted upon the second article of the dittay, seeking and collecting money for the late earl of Argyle; and for probation, the laird of Pollock, and Craighends elder, their confessions in their own process were adduced, that Sir John had demanded from the first fifty, and the other twenty pounds sterling. This probation is next voted good. Then the question was stated, whether the pannel being found guilty should be forfeited. Whereupon the bishop of St Andrews, in his own name and that of his brethren, desired to be excused, though they had voted in the relevancy and probation, as to this vote, and asked liberty to remove. When he removed, he gave in a protestation, and took instruments in the register's hands, that this should be but prejudice to their parliamentary privileges. The bishop of Edinburgh, at his removing, had a stated speech, exclaiming against popery and presbytery, as the great enemies of bishops, with a deduction of the sense and opinions of canonists, as to bishops' voting in cases of blood. When the bishops had removed, they were called in again at the advocate's motion, he alleging the parliament was not full without them, wanting one of the three estates. During the calling of the roll, they were silent. When the vote for forfeiting was over, Mr Thomas Gordon read the sentence, and the king's trumpets sounded thrice, upon which the doom was pronounced by the dempster, and the trumpets sounded again; and the sentence was intimated at the cross by the lyon and heralds. It is exactly in the same terms with Jerviswood's. I shall, for shortness, wave those circumstances as to the rest.

That same day in the afternoon, the dittay read and found relevant in the forenoon, against Polwart, Torwoodlee, and the heirs of Mr Robert Martin, was admitted to probation. The probation was taken from the depositions of Philiphaugh, earl of Tarras, Gallashiels, and commissary

Monro, which are printed in Jerviswood's case. The register read the act of parliament James V. parl. 6. chap. 1, relating to forfeiture, for treason in the predecessor. As to the heirs of Mr Martin, the probation was voted good, and sentence passed, at which the bishops renewed their motion, and did not vote, and doom was pronounced, as in the forenoon.

Wednesday, May 27th, dittay was read against Sir Thomas Stuart of Cultness. The articles were his sending meat and drink to the rebels at Bothwell, his resetting men that went to and came from the rebels, and his fleeing a little after, and taking guilt upon him, being denounced fugitive. Probation, James Cowper saw Cultness stand at his own gate, and send off a sledge with bread, flesh, and drink, and that he took back his gardener and butler, who had been at Bothwell. Another depones, he saw his servants carry the foresaid meat to Hamilton-muir. James Black depones, that he sold six gallons of ale, carried it to Hamilton-muir, got money from Cultness' servant. Thomas Stevenson depones, he saw Cultness' servants in the rebellion. Probation is found relevant, sentence voted, and doom pronounced as above. The reader will easily perceive, that nothing here proven by two witnesses militates directly against Sir Thomas; and this sentence is much of a kin with Blackwood's, and others we have heard of.

June 4th, Mr Robert Fergusson's process comes on; and Mr West and Burn's declarations, printed in Sprat's History of the Plot, and elsewhere, are all the proof against him, and he is sentenced as above. No doubt, he deserved the sentence much more clearly than any of the pannels, and if any formed design was laid against the king and duke, he was privy to it, and none of the rest were in the least accessory.

Some more of the pannels are despatched June 13th. They begin with the lord Melville, and his dittay is read, bearing, that he gave intelligence to the rebels at Bothwell-bridge, and his accession to the plot. Both are voted relevant *separatim*. As to the first article, John Miller in Watershaugh depones, That the lord Melville sent him upon Saturday, June 21st, with letters to Mr John Welsh

and Mr David Hume, and bade him tell them, if they would lay down 1685. their arms and surrender, they would get good quarter; that the king's army was decamped that night, and none knew whether they were to march, but the duke of Monmouth; and that he went to the rebels' camp, and Wishaw went three miles with him; and that he met Cultness' man Thomas Steel, who told him Wishaw had been at Cultness. Wishaw depones conform in *omnibus*. And John Strang, who kept a pass for the rebels, depones, John Miller came to him at midnight, and let him see the backs of his letters. John Lockhart of Bars depones, he went with John Miller to Mrs Nasmith's in Hamilton, and that the letters were directed to Mr Welsh, Mr Hume, and Robert Hamilton. This probation is voted good. As to the second article, for probation, commissary Monro's, and Mr Carstairs's depositions are adduced, and the confessions of the two Cesnocks, as agreeing with what commissary Monro said of the lord Melville. This article is also found proven. Next, Montgomery of Langshaw's dittay is read, and his accession to the plot found proven by Monro and Carstairs's depositions, and the Cesnocks' confessions. They follow next that day, and their dittay is read, charging Cesnock elder with accession to Bothwell, and both of them with the plot. The advocate restricts their libel to the plot, and for probation, adduces commissary Monro and the gentlemen's own confession, which was read, *viz.* "That they acknowledged they were at the meeting mentioned in Monro's deposition, and threw themselves upon the king's mercy." And Mr Carstairs's depositions were read again. The parliament found the dittay proven. The lord Melville and Langshaw are sentenced, as the rest above, in common form; but in Cesnocks' case, the time and place of their execution is remitted to the king *simpliciter*, the commissioner having signified, he had instructions to spare their lives, if they would be ingenuous. After sentence was pronounced with the usual solemnities, old Cesnock desired leave to speak a word; and, liberty being granted he said, 'The sentence was very weighty, and he wished

it may be noticed by all concerned ;
 1685. but one thing weighed him more than any thing which concerned himself, and that was, that his creditors were like to suffer with him, and humbly supplicate, that his grace the commissioner might represent their condition to the king's majesty ; for before they should be losers, he would rather be content to starve." June 16th, the parliament remit the rest of the persons cited before them, to the justiciary, with power to the lords to proceed as if they had been cited before them, and dispensing with their not giving a list of assize and witnesses ; and we have heard of the procedure there already. That I may give all I have met with as to these gentlemen, let me here subjoin what I have observed this year in the council-registers, concerning some of them. April 29th, I find the council order Campbell of Ardkinglass to be transported from Blackness to Edinburgh, under a strong guard. This seems to have been in order to his appearance before the parliament, but I meet with no more about him. August 14th, Hay of Park is liberate, upon bond of a thousand pounds sterling, to live regularly and orderly ; but the persons I find most about are Cesnock and sir John Cochran. As to Cesnock, July 9th, a letter is read from secretary Murray, that Cesnock's remission is to be sent next post ; and, July 28th, the remission is come down, and the council order the keepers of the seals to give the remission gratis for Sir Hugh and Sir George Campbell of Cesnock ; and, September 3d, by a letter from the king, Cesnocks elder and younger, are ordered to be sent to the Bass, till his majesty's pleasure be further known. September 18th, the council write to the secretaries. " My lords, there being a letter from the king, ordering the two Campbells of Cesnock to be sent to the Bass, notwithstanding his majesty's remission for their lives and fortunes, and the said Cesnocks being put at freedom and liberty upon the said remission, before the said letter came, they desire to know his majesty's pleasure." October 5th, a return comes from the secretary, bearing, that he had received theirs, and communicated it to his majesty ; and he adds, " I am commanded to let you know, that his ma-

esty is not well satisfied with the delay that has been, in putting his pleasure concerning the two Campbells of Cesnock, in execution ; and it is now his majesty's will, that with all convenient diligence, you cause them to be sent under a sufficient guard to the Bass, with the necessary orders for their being detained prisoners there during his majesty's pleasure." Accordingly, the council despatch an express to lieutenant-colonel Murray, for apprehending them, and bringing them in to the Bass. This is all I meet with about those gentlemen. And as to Sir John Cochran, August 17th, I find the council order a party to be sent with Sir John Cochran and his son John, with John called colonel Aylief, to put them aboard the king's yacht, to be transported to London. We shall, in the last section, meet with some things the council represent about Sir John, when he is thus sent up.

Thus I have given as short and distinct an account, of this remarkable criminal process before the parliament, as I could, mostly from the written minutes before spoken of ; and we shall meet with an act annexing their lands to the crown, before we end this section ; but I return again to the detail of their acts, which concern the subject matter of this work.

Upon the 13th of May, where we left, the parliament ratify the processes of forfeiture against Robert Hamilton of Monkland, Mr Robert Bailie of Jerviswood, and Archibald late earl of Argyle. We have seen, these were three of the most iniquitous sentences pronounced by the justiciary ; and had not the witnesses failed in Cesnock's process, we should have had all the unjust interlocutors upon that head ratified this day likewise, in all probability.

May 22d, by their 17th act for taking the oath of allegiance, the parliament ratify all done by the council, justiciary, and such who were commisionate by them, in banishing, imprisoning, and fining such as refused the oath of allegiance, and the assertion of the royal prerogative, above inserted in this history ; and ordain all subjects to assert and swear the same, when required by the council, justiciary, or such as are commisionate by them, under

the pains of banishment, imprisonment, or any other punishment determined by the foresaid courts, not reaching to life or limb. Though this be an indemnity to the managers for what is past, yet to me it appears to leave a tash upon the former bloody procedure of those courts, where, as hath been observed, severals were condemned to death on this head; and indeed this was the case of the most part of poor country people. However, the voters of this act bring upon themselves all the innocent blood shed by those iniquitous sentences, and multitudes died on this score, and many at sea, and in their banishments.

Tuesday, June 2d, the parliament, by their act 23d, ratify the opinion of the lords of council and session, November 22d last, mentioned before; the act being singular and short, shall be insert here. "Our sovereign lord, with advice and consent of the estates of parliament, ratifies, approves, and confirms an opinion given by the lords of council and session, upon the day of November 1684, whereby they find, that any of his majesty's subjects, being questioned by his majesty's judges or commissioners, if they own a late traitorous proclamation, in so far as it declares war against his sacred majesty, and asserts that it is lawful to kill such as serve his majesty, or who shall not disown the same, are thereby guilty of high treason, and are art and part of the same treasonable declaration; and also ratifies, approves, and confirms all the processes of treason led, or to be led thereupon in time coming." Reflections have been made upon this subject above. This parliament seems to be tied down to approve every thing done of late, by the managers at Edinburgh, and to make laws of their practice, and to be sharers with them in their guilt. What an unreasonable thing was it, *brevi manu* to make every one guilty of high treason, who would not instantly disown that declaration, and perhaps had never seen it, or when they heard it did not understand it? which, I am persuaded, was the case of several who were at this time butchered. However, as the parliament, so far as I observe in their act, do not resume the opinion of the lords of council and session, upon which the council's

act is founded; so they seem in their approbation to restrict the council's 1685. act to processes, and a formal indictment, as the lawyers had done. And even here they do not approve of the orders given for shooting in the fields, above narrated. That was a little too gross, to be swallowed even by such a parliament as this.

At this time, the clergy could scarce be satisfied with any methods could be thought on for bearing down nonconformity. We have seen the bloody laws already made, and the execution of them put in the hand of the justices of peace; but a new way is yet fallen upon, in which they may with some more ease, vent their spite and malice, against such who could not join with them; and we need not doubt but the parliament will fall in with every thing which comes from them; and so, by their 24th act, June 2d, for regularity, which I have insert at the foot of the page,* they ordain, that

* *Act for regularity, June 2d, 1685.*

Our sovereign lord, with advice and consent of the estates convened in parliament, does statute and ordain, that all masters, whether heritors, liferenters, proper wadsetters, tutors, tacksmen, donators of wards or liferents, shall in all time coming, insert in all tacks to be set by them to their tenants, as well in burgh as landward, an express clause, whereby the tenant shall oblige himself, that he, his family, cottars, and servants, shall live peaceably and regularly, free of all fanatical disorders, under the pain of the tenant, cottar, or servant contravening, their losing the half of their moveables respective, each for their own fault; and where there is no written tack, that all the tenants shall enact themselves in the masters' court-book, or in the town court-books within burgh, or give bond to that effect, and in the tenor foresaid. Which enrolment of court is to be subscribed by the tenant, or if he cannot write, by the clerk of the court in his name; and if the master, or any of the persons foresaid shall fail herein, they shall pay a year's rent of the lands set otherwise, a third part whereof to the discoverer, if he prove the same, and two parts to the king's majesty: and all masters and others foresaid, who have lands already set in tack, without the said clauses, are hereby ordained to renew the same, and insert the said clauses in them, betwixt and Whitsunday, one thousand six hundred eighty and six, or to take an obligation apart from the tenant, bearing these clauses, otherwise to remove summarily such tenants as refuse to accept them on the said conditions, notwithstanding of any former tacks, which in this case are hereby declared void and null; and in case the tenant will not immediately remove, that the master may commit them to prison. And it is hereby statute and ordained, that if any tenant shall refuse to renew his tack, enact himself, or give bond in the terms foresaid, he shall be liable to

tenants be obliged by their tacks to live regularly. This act had a double advantage. It would bring heritors and gentlemen, who were any way favourably affected to the presbyterian establishment, to new hardships; and likewise, it would afford a short way for the curate or his substitute, to raise processes before any court. The reader will observe, that in the act each tenant obliges himself, his family, cot-tars, and servants, shall live regularly, free of all fanatical disorders, under pain of half their moveables; and if the master fail in taking such tacks, he shall be fined in a year's rent of the lands. And all former tacks without this clause in them, are to be renewed; and if tenants refuse to renew their tack in this form, they shall pay to their master a year's rent. This is plain and short work, and I wonder it was not fallen upon before this time, when they were racking their heads upon methods for securing conformity. Masters are both threatened and bribed to fall in with the clergy and government, in harassing the poor country for mere nonconformity. How vastly do those tacks differ from those, I am well informed were in use among some excellent gentlemen in the west of Scotland, particularly that eminent and religious gentleman the laird of Carlton in Carrick, about the year 1638 and afterward? The tenants without any force, and by their own hearty consent, bound themselves in their tacks against all vice, swearing, lying, sabbath-breaking, &c. and engaged to keep family-worship morning and evening, bear witness against, and reprove the sins of their neighbours, and the like, under such and such penalties; and these penalties were exacted strictly at every baron court, and faithfully applied for the support of the poor of the parish. By the way, I cannot but declare my opinion, that gentlemen and heritors might be singularly useful to the reformation of manners in the country, if they would fall upon joint measures, and make such tacks once customary, and see

pay to his master a year's rent of the lands set to him. And this but prejudice or derogation to all former acts of parliament, whereby masters are obliged for their tenants, in the manner therein specified.

to the execution of them in their courts. Than which, through the divine blessing, nothing would tend more to stem the torrent of immorality, unless it be their own personal, sober, and religious walk, without which the other will be almost impracticable, and, though practised, very much useless.

The next, and 25th act of this parliament, ratifies and confirms that hard and severe act of council above narrated, July 8th, 1682, upon which remarks have been already made. The authority of parliament is interposed, both for the more vigorous prosecution of contraveners, and the after-security of the authors of such a rigorous act, in case a time of inquiry should ever happen. Indeed the managers screened themselves under the authority of this parliament, but every body saw through those fig-leaves. There were not many of the council acts, distressed the country more than this act did.

Their 26th act about adjudications for fines, I leave to lawyers to consider. It appears to me rigorous enough, that when lands are adjudged for church-irregularities, and there is a competition of several diligences, the king and his donatar should be preferred to the real creditors upon the lands. This many times is not done in cases of forfeiture for perduellion itself, but lawful creditors have their real debts satisfied. But this parliament prefer the violenting people into their church establishment, to righteousness and equity.

By the 27th act, the kingdom is secured against people coming from abroad, and a very unusual hedge and incumbrance put upon trade and business. The council had done somewhat like this before, and therefore the parliament must go some further. Every master of a ship must bring all his passengers at their arrival, before the next magistrate, who is to secure them till they give such accounts of themselves as may free them from all suspicion. And the same must be done, when passengers go out of the kingdom; and that under the pain of such fines and corporal punishment upon the master of the ship, as the council shall think fit.

To make their processes for treason the

more troublesome to the lieges, and easy to the persecutors, they, by their 29th act, approve of the practice at the circuit courts, in citing persons even for treason upon Porteous rolls, by messengers and sheriff-officers. Whether this was disagreeable to former practice, and the very letter of some acts of parliament, I must leave to others.

In the written minutes of this parliament I find this same sederunt, June 2d, they ratify and approve the procedure of the council and justiciary; and in all time coming, order all persons who refuse to abjure the Sanquhar Declaration, to be prosecuted criminally.

June 4th, their act for security of the officers of state, and others, is passed, and deserves a room here, as a parliamentary evidence, that the severity of the late years was so much out of the road, that it needed an indemnity. "Our sovereign lord considering the great and acceptable services done to his majesty by the secret committee, his majesty's privy council, and others his judges and officers, and being desirous to secure them for their acting and omissions in his majesty's service, in most ample form, doth, with advice and consent of his estates of parliament, indemnify and secure all and every one of his present officers of state, the members of the secret committee, lords of privy council, and all his majesty's judges, both civil and criminal, the officers of the army, and all others who have acted by his majesty's commission, or by commission from his privy council, against all pursuits or complaints, that can be raised against them any manner of way, for their actings in his majesty's service; as likewise for their omissions, and wherein they have fallen short of their duty, and that as fully as if every particular crime or misdemeanor were particularly specified in a remission under his majesty's great seal, or contained in an act of indemnity; requiring all his majesty's judges to interpret this indemnity in the most favourable sense, as they will be answerable." One cannot but observe here, the power and stings of an evil conscience. The managers were, most of them, in places of trust, and had the execution of the laws in their own hand, and at present were in no hazard from men. They

had got the most and worst part of their actings already approved 1685. by the preceding acts of parliament, yet they must have a general parliamentary pardon. I have heard of people now in public trust, who had remissions from the sovereign in their pockets, in case of after-inquiries. And it hath been said, most part of the present managers had papers of this nature in their keeping, how truly I cannot say; but this is the first instance I have met with, of a standing blot recorded in the laws of a nation, by a set of people upon themselves. And I hope this may be a good apology for me, if any harsh expressions have dropt in my account of them. But however, by this they may have escaped judgment from men, most part of them by this time have felt, that this indemnity is useless at a higher and more awful tribunal; where, if repentance and faith in the propitiating blood have not intervened, they have not escaped the righteous judgment of God.

Passing the bitter and violent address of this parliament, against the good earl of Argyle, and the 'act of annexation' of his estate, till they come in upon the next section, I come to their 'act for the clergy,' June 13th. It ratifies all the former acts, particularly those mentioned under the last reign, in their favours; and not only ordains, that the assassins and murderers of bishops and ministers, should be punished, which is highly reasonable, but ordains the parishioners where the attempt is made, to pay such sums to their wives and heirs, as the council shall think fit, which looks like a punishing of the innocent with the guilty. Yea, this act makes the attempt to break or rob the houses of the clergy, death to the invader. Before the restoration, and since the revolution, presbyterian ministers required no such acts. I shall only notice, that a Christian and ministerial carriage, and suitable management of the ministerial work among a people, is a better hedge than twenty such severe clauses. At the close, all the former acts in favours of bishops and archbishops, and the government of the church by them, are ratified in the general. There was no difficulty in this,

neither was it any bar in the way
1685. of the projected design of introducing popery, to which in Scotland prelacy still led the way.

By the 40th act of this parliament, "The lands of Sir John Cochran of Ochiltree, Sir Patrick Hume of Polwart, Thomas Stuart of Cultness, Pringle of Torwoodlee, George late lord Melville, David Montgomery of Langshaw, Sir Hugh Campbell of Cesnock, Sir George Campbell younger of Cesnock, Mr Robert Martin, Walter late earl of Tarras, Mr Robert Bailie of Jerviswood, Thomas Kennedy of Grange, John Porterfield of Duchal, Mr William and Alexander Gordons, late of Earliston, James Gordon younger of Craighen, are for ever annexed to the crown, not to be dissolved from it but by parliament, and that not upon general narratives, but particular causes and services to be specified, that it may appear the same is not granted upon importunity, or upon private suggestions, but for true, just, and reasonable causes of public concern." All these worthy persons, I think, have had a room in the former part of this history, and I say no more of them, but that they had justice done them after the revolution. This annexation, with such solemnity, to the crown, was by people, who knew matters, reckoned grimace and farce, and upon the matter their estates were already in the hands of the chief managers of the persecution; and in the very next parliament, we shall find dissolutions of several of them made, upon no considerations of public concernment, but to gratify particular persons who had been active in the present measures, and were favourites, and made use of to corrupt people into the plot against the protestant religion. And it is certain enough the rents of all of them, and multitudes of others forfeited, were one way or other running to the private use of favourites.

I find there was an act proposed in this parliament, for taking away the act requiring the oaths from advocates, clerks, and writers, but it was delayed by a vote, and dropt. And June 16th, the parliament was adjourned to the last Tuesday of October, and afterward to April next year,

then we shall meet with the last session of parliament in this reign. And the commissioner in the king's name, thanked them for their loyalty and pains.

Thus I have given as short and distinct an account as I could, from the printed acts, of the procedure of this parliament, and added an abstract of their criminal procedure, against the worthy gentlemen and others abovenamed, from the foresaid written account and minutes. From the beginning to the end, their great scope was to exalt the prerogative of a popish prince, to approve the most severe and unaccountable procedure of the managers, further to load and burden the kingdom with cess and taxes, during the king's life, that there might be as little use for any more meetings of this nature as possible; and indeed, had it not been to essay the rescinding of the penal statutes against the king's friends, probably we had had no more parliaments: and lastly, to increase hardships upon the sufferers, and pave the way for popery, the first free parliament we had, did cass what was now done. Let me come now to give some account of the attempt of the noble earl of Argyle, to rescue his country from those evils.

SECT. IX.

Of the unsuccessful attempt of the earl of Argyle, May, 1685, to rescue the nation and church from the burdens they were under, with some account of his taking, trial, and martyrdom.

HITHERTO I have seen no satisfying account of this unsuccessful essay, to recover the religion and liberties of Scotland, by the earl of Argyle. There is a printed letter, of the date January 1686, 'giving a short, but true account of the earl of Argyle's Invasion, in the year 1685.' It is published in Holland, and the style is such, or the print so incorrect, that in some places it is hard to make sense and grammar of it. I have just now before me some short hints, probably designed as materials, from which an account of the earl's attempt was to be given, with a letter from his lordship to Madam Smith at London. My copy

was taken from the papers the earl wrote with his own hand, or dictated in prison. Those hints are evidently unfinished; but as to a plain narrative, and the most considerable facts, they are the best account I have seen of this matter. From both these, especially the last, and some papers more common, I shall endeavour to form as clear a narrative of this matter as I can, till some better hand, from more distinct materials, shall let us in further to it.

We heard before, the earl got safe to London, after his escape from Edinburgh castle, and was entertained sometimes in the country, and oft in the city by Madam Smith. The king was not ignorant of his being in the city, and very great offers were made in his name to the earl, if he would fall in with the ruining measures then on foot, for establishing popery and arbitrary power; but this good and gallant nobleman, would neither be cajoled nor corrupted from his duty; and finding himself unsafe in England, he retired to Holland, where the earl of Shaftsbury and the duke of Monmouth were before him. From several persons who were witnesses to the earl of Argyle's conversation in Holland, I am assured, that his walk was singularly pious and religious. If he wanted those undeniable evidences of pure religion and undefiled, in his first years, which I cannot determine; yet now, especially after his escape, he gave undoubted proofs of his being not only what he had still appeared to be, a firm protestant and steady patriot, but likewise an extraordinary Christian. He spent much time in private religious exercises, and preparation for death, which he reckoned not to be far off. He was a close searcher of the Scriptures, pleasant and prudent in his conversation, and frequently checked looseness in principles, and jesting with sacred things, which were but too common at this time.

During king Charles' life, the earl of Shaftsbury made several proposals of doing somewhat to put a stop to the duke of York's measures, and the earl of Argyle was once, and but once, in conversation with him. When finding Shaftsbury to be one, who appeared to him to have somewhat personal in view, rather than any

thing really for religion and liberty, the earl declined meeting with him 1685. after that. Monmouth was not forward to do any thing during his father's life; but when he was dead, and that in so very suspicious a manner, he, with the banished noblemen from Britain, thought it high time to bestir themselves, judging things now come to a crisis, by the accession of a bigotted papist to the throne, and all like to go as Rome would have it. Accordingly, in the end of February, in March and April, there were several meetings kept in Holland; and an invasion was resolved upon as necessary. The duke of Monmouth with the English refugees, were to land in England, and the earl of Argyle, with the Scots people, were to essay to land in Scotland; and it was agreed, that both should be as much as possible about the same time. The duke of Monmouth's attempt I shall wholly leave to the English historians, and confine myself to the earl's design upon Scotland.

I have before me the minutes of a meeting of our Scots people at Amsterdam, April 17th, O. S. this year, and the reader will desire to have them here. There were present the earl of Argyle, Mr Charles Campbell his son, Sir John Cochran of Ochiltree, Sir Patrick Hume of Polwart, George Pringle of Torwoodlee, William Denholm of Westshiels, George Hume of Bassindean, John Cochran of Waterside, Mr George Wisheart, William Clellan, James Stuart advocate, and Mr Gilbert Elliot. Sir John Cochran was elected *preses pro hac vice*. They unanimously resolve, "That the abovenamed persons, and other gentlemen of the kingdom of Scotland, joining with them in a great undertaking, intended by them in the defence, and for the recovery of the religion, rights, and liberties of the kingdom of Scotland, shall assume and take upon them the quality and character of a council, for consulting and determining whatsoever relates to that great undertaking, and management thereof; and that so soon as they come to Scotland, such of the nation as shall join themselves to them in the prosecution of the said undertaking, shall likewise have access unto, and be joined in the foresaid council.

1685. The persons foresaid, in the character and quality above expressed, do resolve to make war to the effect abovementioned, against James Duke of Albany and York, and such as shall adhere to him ; and for the command and conduct of the army they shall be able to gather together, they did unanimously choose and appoint Archibald earl of Argyle, to the office of captain-general, with as full and ample power as any captain-general is ordinarily in use to have from any free state in Europe. They elected and nominated Mr William Spence their clerk, and recommend it to the said James Stuart, to perfect the declaration of war they design to publish, and that against Monday next. It is resolved, that Mr William Veitch, Mr George Barclay, and William Clelland, be despatched to Scotland, and instructed for that effect ; and that the earl of Argyle, Sir John Cochran, Sir Patrick Hume, George Pringle, and William Denholm, meet to morrow at the earl's chamber, at eight of the clock in the morning, to expedite their instructions, and adjourn their meeting till Monday at eight of the clock at night, to Sir John Cochran's chamber."

No doubt they met at the time concerted, though I have seen no more of the minutes of their procedure, and I reckon then they agreed to the draught of their declaration, which shall in its own room be inserted. Probably after that, they did not often meet, for the time agreed upon betwixt them and the duke of Monmouth and his company, was now hasting on. I find Mr Barclay, and William (afterwards lieutenant-colonel) Clellan, were in Scotland before the earl came over, and no doubt kept by their instructions.

Upon the 1st of May, the earl and his friends left Holland, with a very few ships, and a considerable number of arms. The money expended on these, was mostly raised on the earl's credit. The duke of Monmouth, with the English gentlemen, had faithfully engaged not to stay above ten days after them in Holland ; but it was a month before they landed in England. Whether this was done of design, or necessarily, I do not determine. It was rumoured, that this delay was advised, that the

English forces might be poured down upon Scotland, and their game thus be the easier in England. However, it is certain, the duke of Monmouth was extremely concerned when the earl's party was broke, and the earl himself taken ; and indeed his interest could not have met with a sorer dash. It is plain, the English not keeping to the terms of agreement, tended much to heighten the earl's misfortunes, and to the ruin of both

The court of England had a very exact and particular information of the number, force, and designs of the earl's little squadron, before they came off. And notice accordingly was given to the managers in Scotland to be upon their guard. Their touching at Orkney did further alarm Scotland ; and so much had the late imposed oaths corrupted the generality, and so great was the influence of the managers, that there appeared a very general opposition against the earl's attempt ; and such was the consternation and terror upon friends, and so far were they sunk by long oppression, that at best they were silent, and would not so much as correspond with such as were sent over from Holland, and a coming. In short, as the earl himself in the foresaid hints, more than once, remarks, 'the Lord's time was not yet come.' The body of presbyterians in Scotland, were sorely broken in the place of dragoons, their ministers scattered, and the bulk of people, who wished well to this enterprise, were perfectly dispirited under twenty-four years' sore sufferings. The furnace had not altogether healed the rents and breaches among them ; and the party who were in arms, wandering and hiding in the fields, too many of them were gone to those heights, which did not permit them to join with any frankness in this design, as hath been observed ; and the rest were miserably borne down, and frightened with the soldiers and militia ; and most of the honest presbyterian gentlemen were either in prisons, or forfeited, and so scattered, as they could do nothing in favours of the earl. And above all, the self-conceitedness, cowardice, ignorance, and miserable differences among some who were embarked in the design, spoiled all ; so it is no wonder I have a very melan-

choly and sorry account to give of this enterprise.

Before I come to give an account of the earl's attempt itself, I shall insert what I meet with in the council-registers relative thereunto, till the earl was seized, from which it will appear how exact their information was. I take the appointment I find in the council-books, March 12th, to have come from some hints of a designed invasion. "The marquis of Athole is ordered to raise five hundred Highlandmen, for securing the peace of the shire of Argyle, and that they have meat and drink provided, with arms and ammunition, out of the king's magazine." Their information, it seems, has been very particular and early, for, April 28th, the council write a letter to the lords justices of Ireland, thanking them for sending down the forces to the coast, and acquainting them, that by this time they reckon the late earl of Argyle is sailed with three ships. That same day they publish a proclamation, ordering all the subjects to be in readiness to assist the king in case of an invasion. And next day, April 29th, they grant a commission to the marquis of Athole, to be lord lieutenant of the shires of Argyle and Tarbert. He is ordered to march with some forces to that shire, and every place he goes through is ordained to furnish him with baggage-horses. And, May 8th, the council declare, that by that clause in the marquis' commission, 'That he should take provisions necessary to such as were under his command,' they understand that he may take quarters. May 11th, the council publish a proclamation, ordering out all the fencible men; which, since it is in common form, with those at Bothwell and Pentland, needs not be insert. May 17th, letters are writ by the council to the duke of Gordon, and a great many others in the northern shires, acquainting them, that the earl of Argyle is appearing on the western islands, and appointing them to call forth the heritors. That same day William Spence and William Blackadder, are ordered to be brought south to Edinburgh. And May 19th, all the heritors on the south side of Tay, are ordered to attend upon the king's host. That same day, "Lord Neil Camp-

bell, William Cochran younger of Ochiltree, the master of Melville, and 1685. Pringle younger of Torwoodlee, are required to enter their persons within twelve hours, in the castle of Edinburgh." This is all I have observed in the registers, till June 20th, when the earl of Argyle is ordered to be brought to Edinburgh under a guard, as we shall hear. I return now to give a narrative of the earl's attempt.

At first their voyage was very promising, and in three days they were at Orkney, and happily escaped the dangerous tides there; and under a considerable storm they were kept together, and free of the rocks, when they could neither see the coast nor their lanterns, by reason of a thick mist; but next day, unhappily they found themselves on the wrong side of Orkney, and had missed the passage betwixt Orkney and Zetland; so they were forced to put in to get pilots, not without hopes of assistance, but were disappointed. Mr Blackadder, son to Mr John Blackadder, of whom before, was sent in by the earl to get intelligence, and Mr William Spence would needs go with him, to visit an uncle of his who lived in Kirkwall, the chief town in Orkney. Both were discovered, and caught by the old bishop there. This was a great loss, and alarmed the country very much, and notice was soon sent to the government, of the small force the earl had with him. The earl was peremptorily resolved to recover the two gentlemen, and ordered Sir Patrick Hume, with a party of fusileers, to attack the town where the bishop and they were, which might have been easily done; but some of the company influenced the earl, and much more the masters of the ships, pretending they might lie long there, detained by contrary winds; so the design was dropped, and only five or six prisoners seized.

From Orkney the little fleet hasted away by the inside of the western islands, as the shortest course; and had they got thither straight, they would have surprised a gentleman, Ballechan, in Isla, with four or five hundred men: but the wind calmed, and afterwards blew hard and contrary, which made them tack in to the Sound of Mull, that, if possible, the earl might touch

at Lorn, a part of his own lands. 1685. And if such as they expected had joined them, that country had been easily raised, and the earl in full time at Isla, to have surprised Ballechan and his party; but they were kept back for forty-eight hours, and missed him but by one hour.

In Tobermory in Mull, they dropped anchor, and were by several rubs kept there three days which was mightily to the disadvantage of their cause; for every hour's loss now was more than of a day at another time, and a day like a month. From Mull, they carried three hundred men with them, and waited over to Kintyre. Here they met with new disappointments, many, from whom they expected much, failed them. However, in this place they stayed some little time, and sent over some of their men to the lowlands, to prepare the west to join them.

At Campbelton in Kintyre, was first published and dispersed the Declaration and Apology, &c. drawn up in Holland, as the forementioned minutes bear, by Mr Stuart that eminent lawyer, and excellent person. I have two copies of it under mine eye; that printed at Campbelton in Kintyre, in the shire of Argyle, and the other reprinted some time after in Holland, said to be taken from a correct copy, which is inserted in a note below.* This Declaration and

* *Declaration of the earl of Argyle, with the noblemen, gentlemen, &c. 1685.*

They must be altogether strangers, or very little concerned in the Christian world, who (after all that the nations and churches about have seen, of the Lord's mighty hand and stretched out arm, in the late wars betwixt king Charles I. and his people and parliaments of Scotland, England, and Ireland, against the then conspirings of popery and tyranny, to the ruin of true religion and liberty, the wonderful advancement of the gospel and kingdom of our Lord Jesus within these kingdoms, that thereupon ensued, with the general refreshment, joy, and security of all the protestant churches abroad, that thence redounded, and the no less rooted and firm loyalty of the same people, who, notwithstanding of their long, bloody, and fatal contendings with the father, did yet, upon reasonable, fair, and just treaties concluded with all the assurance that either religion, honour, or gratitude could promise, call back and restore Charles II. his son, to his throne and empire) are not fully convinced and satisfied, that, considering the perpetual contradictings and counteractings, of all these sacred and solemn engage-

Apology the reader will find drawn with a vast deal of judgment, candour, and calmness, and it contains a most pathetic and affecting account of the present state

ments, that immediately, and ever since have been practised, the whole reign of the aforesaid Charles II. (through the sinistrous and subtle influences of a wicked and popish party, now manifestly discovered) was a constant and uniform course of perjury, apostasy, and violence, begun with open rebellion against God, the rescinding not only of particular laws, but by an unparalleled, most unpolitic and pernicious device of whole unexceptionable parliaments, for the space of twenty seven years preceding, notwithstanding both our religion and liberties were therein expressly, legally, and well provided for, and the cruel shedding of the best protestant blood, in the most unjust execution of the late marquis of Argyle, and many other worthies contrary to all law and reason, carried on by the smiting and casting out of mere faithful and pious pastors, and scattering and dissipating more true flocks and followers of Christ, than was done in most of the ten primitive persecutions, and the deluging of these lands with all villanous debaucheries and abominable licentiousness, to the very profligating of conscience, morality, and common honesty from among men, and thenceforward accomplished by a most unrelenting persecution, and oppression of the generality of God's people, in their consciences, persons, and estates, with vexations and rigours almost incredible, and that for no other reason, but because they could not actively comply with these notorious perfidies, and the manifold profanations and mischiefs wherewith they are attended.

But this hellish mystery of antichristian iniquity and arbitrary tyranny, imposing upon many at home, too willing, through their love of ease, to be abused, and deluding the protestant churches abroad (in that woful and visible indifference that every where reigns) by the vain pretext of the mere notion of our courts empty and simulate protestant profession, having of a long time, under the late king, made most remarkable advances in the following particulars, and many more than might be enumerated, all too evidently seen, and heavily felt, to need any explicit proof or demonstration—As 1mo. Not only in the above-mentioned open and avowed revolting from God, by breach of sworn treaties, covenants, and coronation oaths, and alighting and despising spontaneous promises and proclamations, the overturning the very foundations of parliaments, and ranversing, at one blow, our best and most legal establishments; the ungrate, as well as unjust putting to death of most innocent and faithful men, upon absurd pretences, cancelled (set aside) by the laws and customs of nations, and that in the time of God's greatest indulgence towards the authors; the desolating of the churches, and changing of the ordinances of God, for setting up the frivolous and superstitious inventions of men, the countenancing and encouraging all vice and profanity, and the violent and grievous persecuting of all conscience and conscientious men.—But next, and more particularly, in the consoling at papists their meetings and idolatrous

of things in Scotland, and the preceding history will afford vouchers for many particulars in it. It might have been expected this declaration would have much awakened

the kingdom, but indeed it had very little influence that way. 1685.

When they were at Mull, or coming to it, the earl sent off his son Mr Charles, and

masses, while, in the meantime, all protestant nonconformists are persecuted with endless severities—The raising, keeping up, and increasing of standing forces, the very bane of all civil and lawful government, and that without any other measure, save what the indigence of court luxury, and profusion did necessarily put into it—The declaring and appointing all judges and officers to enjoy their places only during pleasure, on purpose to make them more supple and compliant to all their master's designs—The abusing of the great trust of calling and dissolving parliaments, the most high and necessary courts of the kingdom, by iniquitous packing, unseasonable proroguing, pernicious discharging, and insolent baffling them at pleasure—The exalting of the king's supremacy, under the colour of his pretended right and power, about the external government and policy of the church, to an express and absolute power of enacting and statuting in all church-meetings and matters, as he, in his wisdom, shall think fit, a ready and prepared tool to bring us back, not only to popery, but to paganism—The strange perversion of the high trust of the militia, committed to his majesty expressly for the protection of good subjects, and the assistance of all our protestant friends abroad, only to the invading and oppressing, by lawless hosts of the worst, both of Highlanders and Lowlanders, in times of profound peace, the best parts of the kingdom, purposely to ruin them, because too protestant, by free quarter, and other illegal exactions, and the making war most causelessly and obstinately against the states of the united Netherlands, our best neighbours, and the strongest bulwark of the protestant interest—The forcing of poor people, by the extreme rigours of exorbitant fines, imprisonings, beatings, stigmatizings, spellings, banishments, and other violences, for the simple cause of nonconformity, to take arms in their own defence, as at Pentland and Bothwell-bridge, and then demeaning and executing them, what in fields, what on scaffolds, as the most desperate of traitors, and, at the same time, involving whole countries, upon the most slender and absurd pretexts of inevitable inter-communings and reset, both in their crimes and punishments—The setting up of the most violent and obnoxious of men to be ministers of the law, and packing juries and assizes most partially for their worst ends—The straining, stretching and wresting of law, not only in prejudice of every one suspected to be disaffected to their evil courses, but the violation of all right, for spoiling and robbing cities and incorporations of their ancient and undoubted privileges—The transporting of freemen, as slaves, to foreign plantations, for not making faith to answer (against law) *super inquirendis*, as also for not delating men upon oath (according to a most impious law lately made against nonconformists) in matters, wherein the party, put to swear, judges them to be in their duty, and without exception of his nearest relations—The arbitrary imprisonings and detaining of free subjects, without either bringing them to trial, or

allowing them any hearing—The torturing of several persons, even five times more, of conscientious nonconformists within these twenty years, than of all sorts of felons and malefactors in Scotland these hundred years bypast, and that without either just previous grounds, regarding of legal methods, or observing the measures of common humanity—The eliciting of promises of indemnity, and the public faith interposed, for that effect voluntary confessions of some, as of Mr James Mitchell, &c. and then not only retracting and disowning the promise and condition upon oath, in face of the justice-court, but farther, witnessing the confession to the poor man's condemnation, notwithstanding the books of council, containing the foresaid indemnity, were produced and laid open before, and at the very time of their swearing: likeas, of late, after most cruel and exquisite tortures practised upon Mr Spence and Mr Carstairs, and a full and ample promise thereafter made them, with an act upon it, that neither they, nor their evidence should ever be made use of to their, or to any other men's hurt, they nevertheless cause produce, and do sustain Mr Carstairs' deposition against Bailie of Jerviswood, for an adminicle or aid to their lame and defective probations—The making men offenders, yea, traitors for words, and these true, fair, and innocent; as the earl of Argyle for declaring before the council, after leave given, and with submission, and only for exonerating his own conscience, that he believed, the parliament intended no contradiction in the test, and therefore was willing to take it in their sense, viz. for securing the protestant religion, and that he did not thereby mean to bind up himself from endeavouring lawfully, in church and state, what religion and loyalty might oblige and allow him to do; for which words nevertheless he was tried and condemned as a traitor, in the loss of his life, lands and goods, and stands *de facto* deprived of both lands and goods, having only saved his life, in the extremity, by a gracious providential escape—The cruel executing to the death of several hundreds within these twenty years, besides many hundreds more, that have either fallen in the fields, or been made to perish in their imprisonments, or transportations, and that for the alone cause, or on the occasion of their conscientious nonconforming: and some of them (of which number several poor women) for their bare opinion about the king's breach of trust, never before by them vented, but simply declared upon examination, and most part of them despatched with that barbarous inhumanity, as that (after no better example than that of the bloody duke of Alva) they were, by beating of drums, hindered to speak to the people their last and dying words; and some of them, contrary to the perpetual custom of Scotland, and all the forms used in the Christian world, and as if it had been on design to destroy both their souls and bodies, tried, sentenced, and put to death in one day, yea, the time and hour of their death industriously concealed from them, that they might be cut off by a more mortal surprise—The

1685. he went ashore at the castle of Dunstaffage, with letters to his friends. Some, whom he supposed to be his friends, basely discovered all, and others were very

backward to join. The lairds of Lochiel and Loup had letters among other gentlemen of the shire. The first gave Mr Charles his solemn promise to join the

condemning some to death, others to the boring of their tongues, and fining many in most exorbitant sums, even to 100,000 pounds sterling, for calling the duke of York a papist, notwithstanding the notoriety of the matter to all men, and his recusancy found and declared by a grand jury, and expressly supposed by an exception in his favours, contained in an act of parliament, and that now he goes openly to the mass, and marches in solemn processions to the horror of all good protestant subjects—The loosing and exempting the king's sons and brothers, from what themselves conceived to be the best fence, and greatest security for the protestant religion—The imposing and pressing of oaths, without law, manifestly contradictory, and that by terrible menacings, violent beatings, rigorous imprisonings, and irreligious swearings, no less barbarous than what was practised by the Spaniards in christianizing the wild Indians—The eating up of men by free quarters, or otherwise falling on them by downright violence, as driving with drawn swords, to constrain them to hear, whom they, in their conscience, judged unsent and uncalled curates, to the effacing of all conscience, and open scorn of God, and that pure and free religion which he only accepts—The compelling the heritors of shires to assess themselves and the free subjects within their bounds, a thing expressly denied by law to the king himself, and only reserved to parliaments—The sorning upon, harassing, and destroying the best parts of the country by four extraordinary circuits upon one and the same subject of Bothwell-bridge, on purpose, as it were, to justify his highness' judgment to his late majesty, that it would not be well with Scotland until the south of Forth (the better and more substantial half of that kingdom) were turned to a hunting field. And to verify the late chancellor, the earl of Aberdeen, his affirmation at the council-board, that there was not a loyal subject westward of the castle of Edinburgh—The industrious stifling, hindering, and eluding the detection of all popish plots—The shamming of mock plots upon good protestants—The suborning of witnesses, bounding out and encouraging of assassins to murder and cut the throats of honest men—And generally in the studied and constant ensnaring, or ruining, upon every shadow of pretence, all esteemed either fixed to the protestant interest, or well affected to their country's liberty.

This wicked mystery, we say, and conspiracy of popery and tyranny, inseparably twisted both in experience and reason in all their attempts, upon these great and mighty nations, so unanimously united, and firmly fixed in their contrary profession, rights, and liberties, having made so great a progress by the steps above-mentioned, is now at length evidently disclosed, revealed, and brought to full maturity, by the most suspicious (though withal most ingrate) cutting off of the late king, as having indeed very unhappily acted all that part of which the conspirators did judge him capable—The ascending of James duke of York, a notorious apostate, and bigot papist, to

the throne, notwithstanding his being thrice excluded by the commons of England; and that he neither hath given, nor can give, without an hypocritical and damning cheat, repugnant to his profession, and contemptible to all ingenuous men, the oath and security indispensably required of him, before and at his entry to the government. Jam. VI. p. 1. c. 8—The approaching of two parliaments both called by him, one in Scotland by his own vigilant providence, (in procuring it to be enacted in the last parliament held by him in that kingdom, that for the future, not only all members of parliament, but also all their electors should take that contradictory and irreligious oath, commonly called the test, which no man owning conscience, or caring for any religion, can possibly approve) long since prepared for all his pleasure. And the other in England packed, caballed, and returned by all the arts and methods that either fraud or injustice could invent, to render it pliable to his intentions; and which no doubt he will cajole with all the fair promises, and large offers of laws, that can be desired for securing both the protestant religion and their liberties, providing they will but give money, which answers all things, and which will as assuredly frustrate and ranverse all their vain cautions—The pursuing with indefatigable malice, even without the bounds of the kingdom, and in all foreign parts, all honest men, escaped for their lives, and that either by public addresses or private violence, so that they are necessarily reduced to that fatal dilemma, either to do, or die—The entering into, and entertaining more close correspondences than at any time before, with popish princes and states, especially the king of France, a most notorious enemy both of the true religion and liberty of mankind—And lastly, by all that may be already seen in the changes and alterations he hath lately made, and that for hereafter may be apprehended from a false and bloody religion, always breathing forth, and practising fire and faggot, murders and massacres, and a provoked and enraged mind, possessing and reigning in the most determined of princes, unquestionably capable, and ready to execute all these bloody cruelties.

Which things being all of them either palpable perversions, or utterly inconsistent with the true and great ends of government, rendering our commonwealth our common calamity, and him who pretends to be its protector, its most hostile enemy, and consequently importing no less than a total dissolution of all the bonds of subjection, which the rulers have first so wickedly broke and cut asunder; and the liberating and allowing all distressed subjects, whether those already overwhelmed by, or who may justly for hereafter fear to be involved in these miseries, that undoubted right and power, which both God and nature, with common reason, and the constant custom of all nations have given us, for recovering, defending, and maintaining our lives and liberties, and above all, the inestimable blessing of our pure religion, to the effect that the same pure religion, with our just rights and

earl with all the men he could raise, and that upon a day appointed; and yet most treacherously he sent by an express the earl's letters, and probably his declara-

tions, to the council at Edinburgh, and afterwards joined the marquis 1685. of Athole, with his forces, at Inverary. Mr Charles used all his interest in that

liberties, so valiantly asserted by our ancestors, may be by us faithfully transmitted to our posterities. We have been, and are obliged and constrained by extreme necessity, and for common safety (the supreme laws) to take up just and necessary arms in the name and fear of the great God, and the confidence of his mercy and assistance, for our own and our country's relief, from the aforesaid most grievous and intolerable tyrannies and oppressions, the defence and re-establishment of the true and pure Christian religion, commonly called protestant, in opposition to that antichristian Roman religion, commonly called papistical, and the recovery and re-establishment of all our just rights, liberties, and privileges, according as we stand indispensably obliged thereto, both before God and men; and that against the said James duke of York, and all other his accomplices, our most unnatural and wicked enemies and oppressors. Desiring in the first place to be deeply humbled each of us before God, for our manifold sins and provocations, especially our false-heartedness, and unsteadfastness in, and revoltings from our great and manifold engagements to him, that alone have brought upon us all these sad mischiefs, earnestly, and with our whole hearts supplicating, that he would cease from his anger, cause his face to shine upon us, and save us for his own name's sake. And in the next place declaring, likeas we hereby expressly declare, that our sincere and single ends and designs in this our undertaking, at first, the restoring and settling of the aforesaid true, reformed, protestant religion, in its power and purity; and with such a just comprehension of pure Christian charity, as may through the good hand of our God upon us, be truly satisfying to all that fear him, and love our Lord Jesus Christ in sincerity, renouncing and detesting as well imposings as errors, in all matters of conscience, and trusting that, after the many teaching experiences we have had, we shall be for hereafter preserved from all unhappy misunderstandings; but rather through the spirit of truth, love, and peace, graciously led into all the paths thereof. *2dly.* The suppression and perpetual exclusion of antichristian popery, with all its idolatrous superstitions and falsehoods, as also its most bitter root and offspring, prelacy, with its new and wicked head the supremacy, and all their abuses, that so not only the gospel and work of God may be revived in these lands, but also all the churches of Christ abroad thereby refreshed and strengthened. And *3dly.* the restoring of all men to their just rights and liberties, especially the recompensing of all sufferers, whether unto blood, or loss of liberty and goods, the relief of such who are in present distress, the removing of all oppression, and establishing such righteous laws and methods of government, as may be meet for securing of liberty and property, with the greatest ease and equality. Which things as we purpose and hope to accomplish, only through the presence of our God with us, and his blessing upon us, so we are most willing and

resolved, that they be all settled and perfected by a free, full, just, and sovereign representative of all the present undertakers, and such as shall hereafter sincerely concur and take part with us; and that in such forms and ways, as God by his good providence can only most happily direct and conduct us unto; declaring and protesting further, that since such have been, and are the manifest perfidy, treachery, and falsehood of our adversaries, not only in their treaties and covenants, but also in their pardons, indemnities, and indulgences, as that they leave no ground or tolerable assurance of faith and trust to be given to them, we will never enter into any terms of capitulation, treaties, or conditions with them, as to the great ends of this undertaking; but on the contrary, prosecute the same with all reality, constancy, and vigour, without any separation, division, or backdrawing until they be perfectly and finally obtained. Upon which grounds, and for which ends abovementioned, we not only hereby most sincerely and firmly protest and declare, as in the presence of God, constantly and perpetually to adhere, to assist, and maintain one another to the uttermost, against all deadly; but do moreover, freely and heartily resolve and engage ourselves, to countenance and concur with all our persecuted and oppressed brethren and friends, in England and Ireland, who, from the like reasons and motives, shall be induced and stirred up to the like undertaking, for the same or the like ends.

Wherefore, we most seriously and humbly beseech and obtest, in the bowels of our Lord Jesus Christ, all that love his truth, and this our righteous cause, none excepted, though either formerly little concerned for, and favourable to us and these interests, or even still in actual opposition against us and them, (their sincere repentance being at all times to God most acceptable, and not to be better witnessed before men, than by a contrary and vigorous amendment) to come and join with us for God's glory and gospel, our country, lives, rights, and liberties, and our posterities, and all our hope, against an apostate papist, an usurping and persecuting tyrant, by the most sacred article of his religion, our mortal enemy under the pain of his own damnation, and by the fundamental and express laws of the land, Jam. VI. p. 1. c. 9. and p. 20. c. 5. incapable of the meanest office within the kingdom, and in effect a declared enemy and rebel, Jam. VI. par. 3. c. 47. and who even by the act lately made by himself, for paving the way to his succession, Char. II. parl. 3. chap. 2. can have no shadow of pretence to the benefit thereof, unless he first instruct himself both to be the lawful, and the immediate and nearest heir of the crown, which without satisfying the old law, Jam. VI. parl. 1. chap. 8. at the same time ratified, Char. II. parl. 3. chap. 1. by swearing to embrace and maintain the true reformed protestant religion, he can never possibly be, as was then distinctly understood and declared by the principal framers of that act, and

country to convocate them; but, except a hundred or two hundred volunteers he had very little success. Some pretended they did not believe the earl was come in person, otherwise he himself would have come to the shire; others professed their willingness to stand and fall with the earl, but pressed he might go and fight the enemy, otherwise their families lay presently at their mercy; and indeed the best of the gentlemen in the earl's company were for this, but it was as violently opposed by others. All Mr Charles got done, was putting a garrison in the castle of Carnasory, the dwelling house of Sir Duncan Campbell of Auchinbreck, and the settling of himself with a few men in a little town belonging to Sir Duncan, about four miles distant; and informed his father thence of the state of the country.

While the earl was at Kintyre, he had letters from Mr George Barclay, who had been sent over, as we heard, and was a considerable trustee in the Lowlands. By those he had accounts, that all possible was done, in order to dispose the country for befriending him; but no assurances could be given of any considerable party their joining him; that several had the matter under their consideration, but were come to no resolution. In short, all was but faint

against his adherents and partakers, a perjured, revolted, and self-condemned generation, upon whom the Lord, who will not give his glory to another, hath formerly got himself a name and renown before all the nations, whom our sins only have exalted, and whose hearts can never endure, or their hands be strong, when the Lord of hosts who is on our side, and hath a perpetual indignation against all the wicked in the earth, shall arise and deal with them. And this our most earnest call and request, we confidently hope shall be the more readily hearkened unto, and heartily and seriously complied with, that in the issue, through the blessing of God, it assuredly promises not only the restitution of truth, prosperity, and glory to these long misgoverned, harassed, and disgraced nations; but the sure defence and protection of true religion and liberty every where, (Britain's certain and great interest, of late most shamefully abandoned) and even the depression of antichrist, and the advancement and exaltation of the kingdom of our Lord Jesus Christ in all the earth. Let us therefore, be of good courage, and play the men for our people, and for the cause of our God: and the Lord do that which seemeth him good.

probabilities. Matters standing thus, we need not wonder the earl and his party stayed some time in Kintyre. The earl was indeed very much blamed, as losing time, and giving his enemies time to draw together an army; but necessity hath no law. And further, as was then given out, he had promised to the duke of Monmouth, to continue in some retired place of the country, till he had notice of the duke's being in action in England. He had likewise given assurances of raising a considerable number of men in his own shire, and we see how much he was disappointed. Scarce any of his friends there, save Sir Duncan Campbell of Auchinbreck, with about eight hundred men, joined him. Very few resorted to him while in Kintyre; only he had one addition of about three hundred foot, and one hundred horse. Upon this small accession, he proposed to send off a west-country gentleman to the castle of Ardmillan, who declined going till some intelligence came; and then he was not only willing, but rash and hasty to undertake that expedition, till, with much difficulty, the earl hindered him, having received advices the country was full of forces, and some English frigates upon that shore.

About this time the good news came, that Auchinbreck's men were ready; whereupon the earl ordered him to march with them to the Tarbet, a very central place, and opposite to the Lowlands; and thither the earl came with his three companies from Isla, and three companies from Kintyre, commanded by colonel Aylief, Robert Elphinston of Lapness, and major John Campbell, afterward executed at Inverary, and a troop of horse commanded by Rumbold. At the Tarbet, upon the 27th of May, the earl printed, and caused disperse his own Declaration, which I have annexed in a note.* This paper bears the reason of it

** Argyle's Declaration to his vassals.*

I shall not mention my case published and printed in Latin and Dutch, and more largely in English, nor need I repeat the printed Declaration, emitted by several noblemen, gentlemen, and others of both nations now in arms; but because the suffering of me and my family are therein mentioned, I have thought it fit for me to declare for myself, that as I go to arms, with those who have appointed me to conduct them, for no private nor personal end, and only for

in its own bosom. The earl had concurred in the former large Declaration; but it was given out by his enemies, that he had private views to recover his own estate, and the lands of his neighbours. This he fully obviates, and promises to pay not only his own but his father's debts. The other particulars the reader will find in the paper itself, and so I say no more of them. This declaration, it seems, very much displeased the government, since they print it at full length; whereas the former declaration is printed in some short hints, with perverting clauses insert by way of commentary, and for the refutation of it, of which some notice hath been taken. Both were published by authority. At that same place, about a thousand men joined the earl, mostly with Sir Duncan Campbell. Here the earl modelled his very small army into three regiments, which were not much above five hundred men per piece. Sir Duncan Campbell, John Aylief, and the laird of Lapness, were colonels; major Alexander Campbell, the laird of Barbreck, and a third, were lieutenant-colonels; James Henderson, John Fullarton, and major John Campbell, were majors; and all inferior officers were at this time nominate, and this handful put in the best order might be.

The earl was fully determined to have

these contained in the said Declaration, which I have concerted with them, and approved of; so I do claim no interest, but what I had before the pretended forfeiture of my family, and have sufficient right to; and that I do freely, and as a Christian, fully forgive all personal injuries against my person or family, to all that shall not oppose, but join and concur with us in our present undertaking, for the ends mentioned in the said Declaration; and hereby I oblige me never to pursue them in judgment or out of judgment. And I further declare, that obtaining the quiet and peaceable possession of what belonged to my father and myself, before the pretended forfeiture, I shall satisfy all debts due by my father and myself, as far as any heir or debtor can be obliged. And as my faithfulness to his late majesty and his government, has sufficiently appeared to all unbiassed persons, void of malice, so I do with grief acknowledge my former too much complying with, and conniving at the methods have been taken to bring us to the said condition we are now in, though, God knows, never concurring to the design. I have now with God's strength suffered patiently my unjust sentence and banishment, three years and a half, and never offered to make any uproar or defence by arms, to disturb the peace upon my

attacked Ballechan, who was lying about Inverary, waiting for the 1685. marquis of Athol and the earl of Bredalbane their coming up: this was a very reasonable proposal. That gentleman had but about six hundred men with him, which might have easily been given account of, and Argyleshire settled and secured, and the earl's army at least doubled. But I find in the abovementioned paper, that Sir John Cochran and some others of his party would by no means consent to this; but were peremptory to have some hundreds of men, and half of the arms and ammunition, brought from Holland, given Sir John, and him sent to the shire of Ayr instantly: he was so peremptory, that he said, if no body would go with him, he would go alone with a corn-fork in his hand. This was not the only contradiction Sir John gave the earl, if the accounts of those times may be credited. To do every man justice, as far as my accounts afford materials in this irksome story, I am apt to think, Sir John laid too much weight upon some informations which came from the lowlands, and promised himself a great deal more than came to pass. I have before me a letter without any date; but I take it to be at this time, from William (afterwards lieutenant-colonel) Clellan, to Sir John, which with some other accounts of such a nature,

private concern; but the king being now dead, and the duke of York having taken off his mask, and having abandoned and invaded our religion and liberties, resolving to enter into the government, and exercise it contrary to law, I think it not only just, but my duty to God and my country, to use my utmost endeavours to oppose and repress his usurpation and tyranny; and therefore being assisted and furnished very nobly by several good protestants, and invited, and accompanied by severals of both nations, to lead them, I resolve, as God shall enable me, to use their assistance of all kind, toward the ends expressed in the said Declaration, I do hereby earnestly invite and obtest all honest protestants, and particularly all my friends and blood relations, to concur with us in the said undertaking. And as I have written several letters, so having no other way fully to intimate my mind to others, I do hereby require all my vassals every where, and all within my several jurisdictions, with the fencible men within their command, to go to arms, and to join and concur with us, according to the said Declaration, as they will be answerable at their highest perils, and to obey the particular orders they shall receive from me from time to time.

1685. might have put an edge on Sir John's expectations, especially in a matter he would so willingly have had true. It deserves a room here, as what at least will let us in to the activity and endeavours of that gallant gentleman, in the trust committed to him. It follows. "S. P. I. If you knew what hazards I have run, and travel I have been at, you would be satisfied I have not been negligent. I have turned all stones, and hope, by God's assistance, things shall go well. The great multitudes of enemies, and the remissness of some friends, have retarded mightily. By God's help, I hope the malecontents are gained, and begin now to act. I have this order to write in their names, that if Mr Ker be for the work of reformation, carried on from 1638 to 1648, they are for him. Let him not spare to speak them fair, and not to be any way troubled for what they may write to him. Keep you strong where you are, and keep the enemy in as great vexation as you can, till you see a beacon upon Loudon-hill. I hope in eight days or thereby all shall be in a flame. Send us intelligence to Moffatwell, if possible, where I shall have a man or woman with a knot of broad red ribbons about their right arm, to whom they shall give all their intelligence. Haste to send it. The enemies did prevent us as to horses, but we are minded to retake them. If you could frequently alarm the enemies, it would exceedingly weaken them. In short, things are brought to a probable posture." This probability did misgive, and those termed malecontents, the society people in the south and west, fell into differences, as we heard, as to the terms upon which they would join with Argyle. But I can find nothing of their scruples as to his being against monarchy, and for a commonwealth, which is a mere reproach: and nothing was effectually done. However, such accounts as these made some of the gentlemen stiffly oppose the earl his going to Inverary, when he had an excellent prospect of many advantages by so doing. To determine their different sentiments, a council of war was called, and there, contrary to the earl's sentiments, it was resolved to make an invasion upon

the lowlands. The earl calmly submitted, but indeed this step was mightily to their loss.

At the Isle of Bute, another stop befell them; a company of foot, and some of Rumbold's horse, could not have boats to come up soon enough, and waiting for them, the earl was detained three days. When they arrived, the good project upon Inverary was laid aside, and the forces transported, the best way they could, to Cowal in Argyleshire, just opposite to the lowlands, whither the gentlemen would be. And Sir John Cochran, colonel Elphinston, and major Fullarton, were sent to the lowlands.

By this time the coasts were guarded, and some English frigates come up, so that Sir John durst not land in the Largs in Ayrshire, as was projected, but put in towards Greenock for intelligence, and some meal for their army. When they came within musket-shot of land, there appeared a body of horse upon the shore. Sir John having the command, ordered colonel Elphinston to essay landing with about twenty men, which was all they could land at once for want of boats; but the thing being impracticable at that place, and the colonel's orders being only to obey in as far as reasonable, taking this to be just the losing so many men, he flatly refused. Sir John prevailed upon major Fullarton, with about a dozen of men, to attempt to land in another place near by, which he did under the fire of the militia, and got safe ashore, and into a sort of ditch for shelter. The printed account abovenamed, bears, "that the militia seeing them ashore, gave over firing, and the young laird of Houston, and Crawfordsburn, came up to the major, and another with him, and had some conversation, and passed their mutual words of honour, to use no hostilities till the parley was over. After they had asked some questions at the major, to his great surprise, they discharged their pistols at him, which happily missed him, and he returned his, and killed one of their horses, and wounded another. By this time some more men were landed to the major's assistance, and those with the first party behaved so well, that the militia retired to the face of

a hill opposite to the ships, who fired some guns at them, which reached so near them, that they retired; and some did not draw bridle till they came to Paisley." This is the account given in the printed narrative before-mentioned; I cannot insert it as certain, and have set it down as I find it. Having communicated what is above, to a worthy gentleman present at this little scuffle, he is pleased to acquaint me, "that the heritors of Renfrewshire, formed in a troop under the lord Cochran, at the council's appointment, were at this time keeping guard at Greenock. When Mr Fullarton landed near the kirk of Greenock, John Houston younger of that ilk, lieutenant of the troop, and Thomas Crawford of Crawfordsburn elder, quarter-master to it, with some gentlemen in company, rode down towards Mr Fullarton and his men, who had put up a signal for parley; and Houston having expostulated with the major on their invasion, he answered, 'They were come to their native country, for the preservation of the protestant religion, and liberties of their country, and it was pity such brave gentlemen should appear against them, in the service of a popish tyrant and usurper.' Upon which Houston said he was a liar, and discharged his pistols amongst them, as did also the rest of the gentlemen with him, and the major and his men returned their fire very briskly, but did no execution; only Houston's horse, being of mettle, and unused with fire, threw him, but he soon remounted, and returned to the troop." Upon their flight Sir John with the rest came ashore, and entered the town of Greenock, and endeavoured to prevail with the inhabitants, to join in defence of religion and liberty. He seized about forty bolls of meal, instead of the two hundred the earl had ordered him to bring for the use of the army; and then, upon a false alarm, went off in the night, and sailed back to Cowal, and there, too late, declared it was folly to attempt the lowlands as yet, they being every where guarded with soldiers and militia.

All now left to the earl, was to make the best he could in his own country; and so he renewed his design to attempt Inverary,

though now at a vast disadvantage. Accordingly, he divides his small army, and gave the one half of it to colonel Rumbold, and sent him to guard a pass, by which the marquis of Athole might attack him; and likewise to raise the country as much as possible: the other half he took with himself to Inverary; but the winds being contrary six or eight days, and the English frigates being come up, he was forced to shelter his vessels under the castle of Ellanreg. There he took out such arms and ammunition as he at present stood in need of, and laid them up in the castle, which he fortified as well as in so short a time he could, and then marched by land to Inverary, resolving to attack the marquis of Athole, if his ships should get up to him. He left two companies of men in the castle.

Colonel Rumbold, with about five hundred men, went and seized the castle of Ardkinglass; and when the marquis of Athole sent off a large fisher-boat full of men, to know the colonel's numbers and strength, captain Duncanson manned out a little fishing-scout, with ten men, and chased her within pistol-shot of the town, very much to his honour; however some regiments were ordered from Inverary, to retake the castle of Ardkinglass. But the earl, by this time, was got up with the regiments he had with him, to Rumbold; and the enemy, finding their mistake, made a halt at the head of Lochfine. Upon which the earl himself, with five companies of foot, and two of horse, went to attack them, leaving the rest to be brought up by Sir Duncan Campbell. The marquis of Athole being apprised of this, sent off some of his men in boats, to land upon the earl's rear, and cut off his retreat; but Sir Duncan prevented that by his seasonable coming up.

The earl with the first named companies, attacked the first body of the enemy, and entirely put them to the flight, and pursued them a good while up a steep hill, till the ground grew so disadvantageous, that he saw fit to sound a retreat. In this action he had but one man killed, and severals of the enemy were killed and wounded. After this advantage the earl returned to the castle of Ardkinglass, and designed next day with his little army to attack Inverary,

1685. where the marquis of Athole was reckoned five thousand strong, to be sure the earl was scarce 1200. But unhappily the king's frigates and men of war, at this time, were coming up pretty near the castle of Ellangreg, where the earl's ships were; and some of the gentlemen who would not come with the earl to Ardkinglass, and had differed with him all along, threatened to quit all and go to the lowlands: the earl, therefore, after four or five hours refreshing his men, was obliged to return to the castle of Ellangreg with three companies of foot, ordering the rest, under Rumbold and Sir Duncan, to meet him at the kirk of Glendariel, if there was need; which they did. Thus a second time the earl was marred in his design upon Inverary, when it had most probably succeeded, though the marquis of Athole had double his numbers, since upon this small ruffle great numbers of the marquis's men left him. In short, every thing went cross the earl's designs, and that when just about to be happily executed.

When the earl came to Ellangreg in this critical juncture, he resolved to man out four prizes he had got at sea, and thirty large cowans or fisher-boats, with the thousand men he had with him, and join his own three ships with them, and attack the men of war that were coming up; but another mutiny was raised among the seamen, by those who still embarrassed the earl, so the design was entirely broke, and the earl forced into the measures of those, who, cost what it would, resolved to be at the lowlands. Thus the castle of Ellangreg was left to the laird of Lapness, with a sufficient garrison, and men to guard the ships, and the governor ordered, in case he was not able to hold it out, to blow up the magazine, and either to draw up the ships, so as they might be recovered, or to sink them. But two days after the earl with the forces had left them, the garrison forsook all, being, as they said, in want of provision, leaving a train of powder to blow up the castle, and neglecting the ships entirely; and, which was worse, they left behind them the few prisoners taken at Orkney, who, being left at liberty, immediately acquainted the captains of the frigates, who came ashore in long boats, discovered the train, and seized all.

No wonder that this vexed the earl, when the garrison came up to him in his march, toward the head of the Gare-loch; and now nothing was left him but to march into the lowlands, under a thousand disadvantages. In the way they met and defeated several of the enemy's parties; and such of them who escaped, alarmed the country before the earl, and hastened up the regular forces, acquainting them of the road the earl had taken; so that when he crossed the water of Levin, a little above Dumbarton, he found all the king's army and militia upon him, treble to him in number, and the earl of Dumbarton on their head. Here the earl of Argyle took up a ground, which was inaccessible and safe, but they could not stay in it for want of provision. By their miserable divisions they lost another opportunity here, to have fought a part of their enemies before general, cannon, or ammunition were come up. This was pressed by the earl, but he was over-ruled. When all the king's army was come up, and they must either do or die, the earl calls his council of war. The bulk of the gentlemen were for marching by the enemy, and letting them fall upon their rear, which, in the foresaid hints, says the earl, would have been present destruction. The earl and Aylieff were for engaging, knowing indeed they were treble their number, but that likewise they wanted not friends among them. This was violently opposed by the other side, as perfectly impracticable. Rumbold moderated their heats, and a night attack was agreed upon; but the earl was again over-ruled and balked in that also; so that it ended in a retreat to Glasgow, or Bothwell-bridge, and so towards the south. Accordingly fires were kindled, and men left with them, which took so well, that they got all pretty well betwixt the enemy and Glasgow. Several of their own number gave them false alarms, pretending to see parties marching towards them, and such like imaginations. Sir John Cochran is charged in the printed account, as being very instrumental in discouraging the men, and pressing them to separate and flee; how truly, I am not at this distance to determine. But it is certain enough, their guided misguided them, and carried them near four miles about, and instead of leading them to

Glasgow, brought them down upon Kilpatrick; and the earl, in the forecited hints, says, he was a mile in the dark before he perceived the cheat, and could neither help it, nor persuade them to halt to draw up, so that their retreat turned to a rout. He stayed in the rear, and sent Rumbold to the van to stop them, but, says he, it was impossible, and concludes, so I was left necessarily to be taken. At Kilpatrick a few of them put a militia company to flight, and, had it been possible to have rallied their scattered forces, they might have got out of the reach of the enemy; but that was impracticable, when a good many of themselves urged separating and fleeing. Sir John Cochran, Sir Patrick Hume, and some other gentlemen, went straight to Clyde, and would not so much as stay to reason the matter with my lord Argyll. They were received with the fire of some of the militia horse, when they came to the other side. The laird of Lapness, the laird of Barbreck, with a few soldiers, coming up in another boat, fired at the militia, and obliged them to bear off with some loss, and having got ashore, they joined the rest, and were pursued for some time by two troops of militia, commanded by captain Clellan of Fasken. At length a scuffle happened near Muirdyke,* in Lochwinnoch, wherein captain Clellan and some others were killed, and the laird of Blair (other accounts make it Sir Adam Blair of Carberry,) with some others, wounded. Upon the other side, a gentleman of the name of Campbell was killed, and major Henderson, and Mr Archer (of whom afterwards) was sore wounded.

Having given this account of what passed since the earl's coming from Holland, before I enter upon the earl's personal misfortunes, let me subjoin here several other hints concerning this attempt, and particularly the encounter at Muirdyke, from a narrative come to my hand, since I wrote what is above, written by a person of good reputation, yet alive, who came over with the earl, and was present at the Muirdyke encounter. "When we set

sail from Holland, we were not above three hundred men in all, but had 1685. our three ships laden with good arms and ammunition. We had a quick passage, but came to the wrong place of the kingdom, Orkney, where two of our men were taken. When we came about to the earl's country, a good many Highlanders joined us. Upon notice of an English man-of-war in pursuit of us, we went down a little creek to the castle of Ellengreg, where we lodged all our arms and provisions, and built a fort on the west side of the castle, and planted some cannon, in case the frigates should come down. We left a hundred and fifty men there, and went in quest of the marquis of Athole's men, who constantly fled from us. Thus we were taken up several days: meanwhile the frigates came down upon the castle, which our men could not defend, and were forced to quit it, laying a train to blow all up, which misgave, and all fell into the enemy's hand. This mightily discouraged the earl, and we left pursuing Athole's men, and marched to the lowlands, hoping our numbers would increase. When at night we were setting our watches, a party of the king's troops appeared, so that, instead of getting rest, we marched all night towards Glasgow; and after we had sent out for provision, which we very much wanted, the whole of the king's army appeared; so we drew up on a muir side, there being a water betwixt us and them, being firmly resolved to fight them, though much inferior in numbers; but they never approached us all that day. At night we marched off, leaving great fires in our former camp, and our leaders mistaking the way, led us into a moss, which quite disordered us, so that though we were a good army at night, there were not five hundred of us together in the morning. Our discouragements being great, multitudes, and Rumbold, and many brave men who had no mind to part with us, lost their way. Those who kept together came to Kilpatrick. We crossed Clyde, where was a troop of militia horse, which Sir John Cochran and Polwart soon defeated, and made them run more than a mile before they halted: so we sent the boat to and again, till we brought over a

* Properly "*the Muirdykes*," the place is thus uniformly spoken of by the neighbouring inhabitants.—Ed.

1685. hundred and fifty men, and the earl with the rest refused to come over. On the south side of Clyde we refreshed ourselves with some provision, in a gentleman's house at the water side, which had been designed for the king's forces, and indeed we needed it, for some of us had tasted little these three days; then we resolved to march in a body south to England. But the militia troops we had chased from the water side, had got two others joined them, and came toward us, which made us alter our rout. Sir John Cochran divided us in three companies, one he commanded himself, Polwart the other, and major Henderson the third. We went to attack the militia, who fled, and we saw no more of them till the afternoon. Two troops commanded by captain Clellan, and my lord Ross, with some militia, came near us, who now were decreased to about seventy, and attacked us; we stood our ground, and had Mr Thomas Archer wounded. A treaty was begun, and they offered quarters, which we refused, and got into a little fold-dyke, which was a kind of defence unto us.* There they made a furious attack upon us, wherein captain Clellan was killed, and renewed their attack, wherein we were told my lord Ross was in hazard; and if he had not had harness, would have been killed, as several others were. We had one man killed, and two wounded; and Sir John Cochran had two shots, which lighted on his buff-coat, and smarted much, but did not pierce it. After this, the enemy retired a little, and compassed us round at some distance, which gave me (says the writer) opportunity to observe Mr Archer lying, who was extremely weakened by his bleeding. He was carried into the herd's house, where the enemy afterward found him, and he was taken into Edinburgh. When night came, Sir John ordered us to march out from the fold we were in, in a close body, and endeavour to force our way through them, apprehending they resolved to guard us in till some more forces should come up. But we found them retired to

* The place where the battle was fought, was formerly covered with heather or bent. But now it is cultivated and intersected with fences. It is the property of Mr Caldwell of Muirdykes, parish of Lochwinnoch.—Ed.

Kilmarnock, and so after staying about a day's time together, in a tenant's house of Sir John Cochran his father,† and upon hearing that the earl of Argyll was taken, Sir John dismissed us, and we separated, and shifted for ourselves the best way we could."

To return to the earl thus deserted, and almost alone, he rode about a mile in the

† The ruins of Cochran-castle, gratifying to the taste of the antiquarian, were standing in this neighbourhood a few years ago. But this picturesque relic gave way to a rather too keen or rather mistaken spirit of agricultural improvement, soon after 1810. Lord Ross conducting his troop past Cochran place (about two miles from the scene of action) seeing his grandmother the countess of Dundonald looking from a window, asked tauntingly, if she wished to see her son's (Sir John) head brought home *like a plover*? She had indeed soon cause to lament the fate of another of her kinsmen, captain Clellan. It is said that Sir John shot him by means of a silver button from his coat, this being the only metal which was supposed competent to reach such as were superstitiously invested with the supernatural power of being proof-shot. The earl of Dundonald's family presented a curious picture of the divided sentiments and interests of the times, and the several members of it had embraced opposite sides of the great controversy. The earl himself had derived his nobility from Charles II. and of course he was a loyal man. His brother Gavin Cochran of Craigmuir married the sister of Clellan of Falkin in the parish of Monkland, who fell at Muirdykes. His (Dundonald's) sister married Dunlop of Househill a covenanter. His daughter married lord Ross, and her son fought at Muirdykes on the side of the king. His son Sir John Cochran was the distinguished commander on the other side. His grandson William Cochran of Kilmarnock formed an alliance with a malignant family, that namely of the marquis of Montrose. His granddaughter was the countess of Eglinton, whose husband, the earl, at times wavered between the parties. Another granddaughter was the spouse of the celebrated Claverhouse! This strangely mixed state of things in the county of Renfrew and neighbourhood may perhaps have been the cause of the rather milder form of the persecution in that part of the country. Claverhouse never visited Renfrewshire in his military capacity, and it was almost entirely exempted from the ravages of the Highland host.

Our limits will not allow us to insert the more full account of the battle of Muirdykes which has since been published from the narratives of Sir P. Hume and George Brysson: but we regret this the less as our readers will find both accounts admirably combined and illustrated with many interesting notes by Dr M'Crie in his *Lives of Veitch and Brysson*, pp. 305—335. In autumn (1828), accompanied by some intelligent gentlemen of the neighbourhood, I surveyed the localities of Muirdykes, and notwithstanding the alterations on the road and otherwise, a pretty good idea may be had of the positions of the parties and the events of the battle.—Ed.

road to Glasgow, accompanied only with Sir Duncan Campbell, major Fullarton, captain Duncanson, and his son Mr John, and sent off Sir Duncan and the captain to make a new levy, if possible; and after having laid down a method for correspondence, parted with them, and went to a certain house, where one lived who had been his servant some years, hoping to be safe there, but was peremptorily denied access. This forced him and the major to cross Clyde, and they went straight to the water of Inchinnin, where at the ford he was stopped by a party; whereupon the earl turned his horse, and went up the water side. Fullarton entertained the party at the water in the mean time, partly by fair, and at length with brisk language, till the earl was a little off, pretending he would not be forced or stopped. Meanwhile, a country fellow came and told the commander of the party, that the other was not a country man, and that he had parted with his horse, and taken the water upon his foot, upon which a party was ordered up to him. This the major endeavoured to prevent, and offered rather to yield himself, than that the country man his guide should be troubled. The earl was in a mean habit, and the major in good clothes. To this the commander of the party condescended; but as soon as the major was disarmed, he sent off two to take the supposed guide, contrary to agreement; which the major seeing, railed at him, and grasping at one of the swords, resolved either to kill or be killed. But he was soon overpowered, and carried away prisoner, and afterwards very wonderfully escaped, of which I want the particulars.

By this time, those sent came up to the earl, and fired at him while he was in the water: he got through the water, and presented a pocket pistol to some who met him upon the other side, but being spoiled with the water, it did not fire. One of them seeing this, cut him on the head with a broad sword. The laird of Greenock came up with another party, and immediately knew him, and seized him, and carried him in prisoner to the earl of Dumbarton, at Glasgow. The country people, when they knew it was

the earl, regretted what they had done most bitterly. This is the story ^{1685.} told by the printed account, but very confused and indistinct, and in some circumstances I scarce find it agree with other accounts I have heard. Therefore I add the earl's own narrative of it, from the fore-said paper so oft cited. "The way of my taking was in short, when our friends had run so far, that to follow and rally them would never do, I was past a possibility of getting to Argyleshire. I attempted to hide, but I fell from one difficulty into another, till two militia men* fell upon me, after I had laid by my sword to pass for a country man. I answered their challenges civilly, but at last they laid hands upon me, one upon each side, all of us on horseback. I grappled with both, and one of them and I went to the ground; but I got up, and rid myself of them both, by presenting my pocket pistols. After that five came on me, and fired close at me, without touching me, and I was like to get rid of them, till they knocked me down with their swords. As soon as they knew what I was, they seemed to be much troubled, but durst not let me go."†

Thus I have brought this great and gallant nobleman again into the hands of his enemies. He was most unaccountably treated by too many, embarked with him in the design for rescuing this nation: never any enterprise he designed almost, but he was crossed in it; and he never had any success but once, when he went over their inclinations, and left them behind him at the castle of Ellangreg. And one is almost ready to say, that it had been Scot-

* The clan of the *Riddels* have taken the honour or the disgrace of having furnished one of these two militiamen. A person of this name from Lochwinnoch within forty years ago, had gone to the Balloch fair near Dumbarton, in the capacity of a horse dealer. The Campbells from Argyleshire heard his hated name, which called up to their imaginations one of the principal murderers of their chief, and raised the latent ire which had been smothered for a hundred years, and they were preparing themselves for a feudal clan battle; when the companions of the lowlander interposed and prevented bloodshed by a cunning device or *ruse de guerre*, transforming his name from *Riddel* to *Riddet*. *Tradition in the country.*—*Ed.*

† The spot where Argyle was taken is marked out by a stone, which passes among the country people by the name of Argyle's stone.—*Ed.*

land's interest and his own, if he, and
1685. those who still thwarted with him, had never met again, and that he had suffered them to go to the lowlands, as they threatened; but this excellent patriot was but too well-natured to such unreasonable proposals as were advanced, and too ready to expose himself, rather than suffer any thing to fall in contrary to that harmony he so vehemently wished for.

I shall shut up this lamentable narrative of this matter, with a few passages more from the hints dashed down by the earl when in prison, which will give us farther views both of the earl's excellent and Christian temper, his sufferings, and the uneasiness he had from those who were with him. After the account of his being left and taken, he says, "even in this I found many concurring providences, which said, God would have it so. I submit to the Lord's providence in it, I hope all is for the good of my soul. There are some hidden ones, but I see no great party in this country, that desire to be relieved; only my poor friends in Argyle have appeared in all Scotland. I was busy this day (those hints are written in prison a few days before his execution) treating for them, and in some hopes; but this evening orders came, that I must die upon Monday or Tuesday, and I am to be put to torture, if I answer not all questions upon oath, yet I hope God shall support me. My wife is now admitted to come to me, so I will leave off further writing at present. If my methods had been followed, in all probability the ships had been saved, and sent back, and matters continued some months, but there had been much bloodshed. God hath ordered it otherwise, and certainly best, though not to the humours of any engaged. I thank God I submit heartily to his will." At another time he adds, "those who went with me kept continual cabals, sent messengers, received intelligence by themselves, acquainted me with but what they pleased, and were trepanned by spies sent out by the enemy; and to the last hour never got me one intelligence of use, nor assured me of one man to join with me; and when they spake or sent to any, did it in their own name. Once they persuaded

me, like a fool, to give a letter of trust to one they sent out, and, like the raven, he never returned. They designed sometimes to have seized some of the ships, arms, and provision, and effectually did break open, use, and embezzle what they pleased, without me. Some of them lived riotously, and spent the provisions as they pleased, so that many arms were spoiled, and many lost, and provisions were spent sooner than was necessary: and, except two hundred ducatoons I left, I spent all the silver upon them, and they claimed all as their due. After the vessels were lost, they once, without my knowledge, seized all my rowing boats; and if I had not perceived it, were running away of their own accord, with as many as they could engage, even after I had undertaken my last fatal march, by their advice." Upon another bit of paper the earl goes on, "I say not this to accuse any, but that you may pity me, and know the providences, in bringing me to the case I am now in, were numerous and very remarkable. It was the hand of God, let us submit to it. We have not been thankful for former deliverances, and we have too much trusted the arm of flesh. It was certainly a determined counsel of God, not to deliver Scotland at this time, nor by my hand especially; I must be taken, as I was. But again, alas! whom is there to be delivered? I doubt not but there are some hidden ones, but the generality have perverted their way. Some frailty yielded, and sinfully persisted even to the same excess of riot. The heritors and militia were trusted, yet the very men we trusted have done us most, and, it may be, the only mischief. Of the militia who wounded and took me, some wept, but durst not let me go. — friends were our greatest enemies, all without exception, both to betray and destroy us; and indeed* and were the greatest cause of our rout, and my being taken, though not designedly, I acknowledge, but by ignorance, cowardice, and faction." The earl adds upon another piece of paper, "I

* Mr Fox is of opinion that the names here left blank were those of Sir John Cochran and Sir Patrick Hume; and there is every reason to suppose him correct in his conjecture, Fox, p. 198.—Ed.

am not pleased with myself, I have so hard epithets of some of my countrymen; seeing they are Christians, pray put it out of any account you give; only I must acknowledge, they were not governable, and the humour you found begun, continued. Poor Rumbold was a great support to me, and a brave man, and died christianly. But unhappy Aylieff is still at Glasgow, he hath attempted to end himself with his pen-knife."

Those hints give a naked representation of matter of fact, and being from one of so great probity and religion as the earl, their truth cannot be questioned; they are the true springs of this business' misgiving so miserably. They seem to be written by the earl at different times, probably as materials of an information to Madam Smith, to whom he wrote a letter, among the last things he did, which shall be just now insert, as I follow this extraordinary person to his martyrdom.

The earl being taken, was carried into the town of Renfrew, and when at some refreshment there, he said (as I am certainly informed) to Thomas Crawford of Crawfordsburn, to whom he had a peculiar regard, and after his taking by the two country men at Inchinnin water, gave him a silver snuff-box as a token of his respect. "Thomas, it hath pleased providence to frown on my attempt, but remember, I tell you, ere long one shall take up this quarrel, whose shoes I am not worthy to carry, who will not miscarry in his undertaking." From Renfrew the earl was taken to Glasgow, and from thence was carried into Edinburgh under a strong guard. By the council-registers, I find, June 20th, they order "Archibald late earl of Argyle, to be brought alongst the long gate to the water-gate, and from thence to be carried up the street, with his hands tied behind his back, bare-headed, in the midst of captain Graham's guards, with cocked matches, and the hangman walking before him; that the horse guards march before and behind, and he be carried to the castle, and laid in irons."

It was debated at Edinburgh, whether to intent a new process upon this present invasion, and pass sentence upon him for it, or

to execute him upon his former sentence unrepealed. To be sure, a sen- 1685.
tence upon the present invasion, which might soon by the present laws have been found rebellion, would have been far more equal in the eyes of many, but then it would have taken some time; and such was the zeal of the managers, they would not seem to question the injustice of their former sentence, which every body saw iniquitous, and all the world, and I imagine, most of themselves by this time were convinced of its unrighteousness. However, to make short work, they looked upon him as already condemned, and proceeded, without any ceremony, to take away his life.

This was the opinion of the counsellors at Edinburgh, and they had orders from court agreeable thereto, as we shall hear. Great pains were taken to bring the earl to a confession, which might involve others in the same measures they were resolved to take with him; and as he himself signifies above, he was threatened with torture, but, as far as I can learn, they did not bring him under it. He was frequently visited by the managers, and committees of council met, and he was brought before them. And the interrogatories put to him by the council deserve a room here, from the original copy I am favoured with by a person of quality.

Interrogatories for the late earl of Argyle.

"Who were accessory to your making your escape out of the castle of Edinburgh, and who did reset you upon the road, and did furnish you horses? Who entered into the transaction with you, at London, and elsewhere, for the thirty thousand pounds sterling which should have been transmitted from London? Who should have managed the raising of the thousand horse upon the borders, and who, in Newcastle or Berwick, should have corresponded with you? With whom, in Holland, or the provinces of the low-countries, or Spanish Netherlands, or courts abroad, did you keep correspondence, and should have contributed with you, and particularly at Amsterdam? What noblemen, officers of the army, or others in England, did correspond with you? Who in Ireland? and why those in England or

1685. Ireland rose not? What Scotsmen were concerned, or if Stairs, Salton, or James (here is a little blank in the original, which I supply not, though I take it to be Mr Stuart) were not concerned? If it was treated that the duke of Monmouth should be king? Who was to be raised to the throne, if this king was to be laid aside? Who was to have raised the forces in the borders and west at this time? Why you employed Rumbold or Balfour, being assassins, and why they went not rather with Monmouth, than came here? If there was any design for assassinating the officers of state, or garrisons? Were there any ships to land in Forth, Fife, or elsewhere, and if there be any ships yet to come? Who were to join you in Murray, and why you resolved to touch there? Why Spence came to you, and what correspondences he brought? Why you brought up your ships to Clyde, knowing the king's frigates would block you up there? Why were you so long in going to the west-country? If there was any of the indulged ministers who corresponded with you since you came to Scotland? and what were the names of the ministers who were with you? and generally, who corresponded with you from Scotland, or any other place? If William Clellan was sent by you from any part of Holland, and where he was sent? and if any person be sent to Galloway with arms, or what officers are sent to Galloway, or elsewhere, and what correspondence they have? What did the sum amount to, which you got to be the fund of this war?"

At the end of the original paper, whence I transcribe those interrogatories, what follows is written by the earl's own hand, as I am assured by the person who gave it me, and perfectly well knows the earl's hand. "This is the very principal of the interrogatories given me, which I answered but in part, according to a paper under my hand, and signed

ARGYLE."

This paper of the earl's answers I have not seen, which I am sorry for, and make no question but they were candid and prudent, and every way agreeable to his extraordinary parts, quality, and piety. This

is all I know about him in prison, till the coming of an express from court, for his execution on his former sentence, which was willingly obeyed by the managers.

I find by the council registers, June 29th, "the letter underwritten, from the king read and ordered to be recorded. J. R. Right trusty, &c. We greet you well. Whereas the late earl of Argyle is, by the providence of God, fallen into our power, it is our will and pleasure, that you take all ways to know from him those things which concern our government most, as his assistants with men, arms, or money, his associates and correspondents, his designs, &c. But this must be done, so as no time may be lost in bringing him to condign punishment, by causing him to be demeaned as a traitor, within the space of three days after this shall come to your hands, an account of which, with what he shall confess, you shall send immediately to us or our secretaries; for doing of which this shall be your warrant. Whitehall, June 22d, 1685.

"MELFORD."

That same sederunt of council I find what follows in their registers. "The lords of justiciary having referred the place and manner of the late earl of Argyle's execution to the council, they require them, in obedience to his majesty's letter, to pronounce for sentence against the said earl, That to-morrow the 30th instant, betwixt two and five of the clock in the afternoon, he shall be taken to the market-cross of Edinburgh, and shall be there beheaded, and his head thereafter affixed to the tolbooth of Edinburgh on a high pin of iron; and that the magistrates of Edinburgh see the said sentence executed accordingly, and receive the person of the said late earl at the castle gate of Edinburgh, by twelve of the clock precisely, from which they are to carry him down to the laigh town council-house with a strong guard, where they are to keep him till the ordinary time. They likewise grant warrant to permit eight of the earl's friends and relations to be present on the scaffold with him to-morrow and no more."

By the justiciary books I find they optemperate all, and what is there follows. June

29th, Intrat Archibald Campbell, sometimes earl of Argyle, to hear and see the time, place, and manner of execution appointed to him. "The said day, forasmuch as by doom and sentence of forfeiture pronounced upon the 23d of December, 1681, Archibald Campbell, sometimes earl of Argyle, as being found guilty and culpable by an assize, of the crimes of treason, leasing-making, and leasing-telling (for which he was detained in prison in the castle of Edinburgh, but after the verdict made his escape) was decerned and adjudged to be executed, to the death, and to underly the pains of treason and utter punishment appointed by the laws of this realm, when apprehended, at such a time, place, and in such a manner as his majesty in his royal pleasure should think fit to declare and appoint. Likeas, the lords of council, by their act dated June 29th, 1685, mentioning that they had received a letter from his majesty, dated June 22d instant, whereby his majesty declares his will and pleasure, that Archibald late earl of Argyle shall be demeaned as a traitor, within three days after the opening of the said letter; and they considering that the lords of the justiciary having formerly referred the way, manner, and place of his execution, to his majesty, they therefore, in obedience to his majesty's letter, do thereby require the lord justice general, justice clerk, and commissioners of the justiciary, to pronounce sentence accordingly. The lords therefore decern and adjudge the said Archibald Campbell late earl of Argyle, to be taken to the market-cross of Edinburgh, the 30th day of this instant June, 1685, and there, betwixt two and five in the afternoon, to be beheaded, and ordain his head thereafter to be affixed on the tolbooth of Edinburgh, on a high pin of iron: which was pronounced for doom."

I come now to give all I can recover, of the excellent and Christian carriage of this worthy nobleman, the two or three last days of his life; and I form my narrative of it from accounts left by ministers and others present, one of them then waiting upon the countess; and what I give is left under their hand, and other original papers I shall insert.

June 28th, being the sabbath before his

death, the earl spent it in the most spiritual and heavenly manner could be; and indeed to him it was a prelude of the everlasting sabbatism he was just entering upon. His sister, the lady Lothian, came to take her leave of him, and was very much affected; which the earl perceiving, said to her, "I am now loosed from you, and all earthly satisfactions, and long to be with Christ, which is far better. It seemeth, the Lord thought not me fit to be an instrument in his work, but I die in the faith of it, that it will advance, and that the Lord will appear. Sister, I hear they cannot agree about the manner of my death: as to that I am at a point, for I have given up myself to the Lord's disposal, and am assured of my salvation: as for my body, I care not what they do with it. Be kind to my Jeanie." The excellent lady answered, she would, and the more for his cause; and tears stopped her, and they parted. While in the castle, he had these remarkable expressions in conversation with a dear friend. "My gross compliances are now sad and grievous to me, for these the Lord will not honour me to be instrumental in his work; but I desire to die in the faith of a deliverance to his church and people; and though I will not take upon me to be a prophet, yet having strong impressions thereof upon my spirit, I doubt not but deliverance will come very suddenly, and I hope I shall be well. It is true, my family is low, and I have nothing to leave them, but if they seek God, they will be wonderfully seen to and provided for: and if they do not, I care not what come of them. I fear, some have eyed me too much as an instrument. Lean not to the arm of flesh." These expressions speak for themselves. The earl pretends not to prophesy, yet the secret of the Lord is with them that fear him, and was with him; and the nearness of an outgate to poor Scotland, was very much upon the spirits of many at this juncture. His father, I may say, was our first and proto-martyr, and after, his son, and some few others, who, as we shall hear, suffered upon the same account. We have not many more sufferers to death till the deliverance come. As the noble marquis his father went first, and his blood opened,

as it were, the flood gates to a great
1685. stream we have seen running, so
the sun almost closes up this river of blood,
shed for our religion and holy reformation.
His expressions are heroically Christian,
with relation to his family and posterity,
and some way prophetic; they have in-
deed been wonderfully seen to and pro-
vided for, and, even as to their outward
estate and grandeur, advanced to greater
honour and riches than the earl or marquis
had. The hundred-fold hath been in some
measure given them in this life, and all
the lovers of their country, religion, and
liberty, will pray, that such of their seed
as remain, may have it continued, and in
the end have life eternal.

The earl was beheaded Tuesday, June
30th. In the morning, he had, in the
greatest throng of necessary avocations,
much calmness and serenity of soul, yea,
much joy and peace, in believing. We have
observed the same with relation to his
father. To one standing by him the earl
said, "I have more joy and comfort this
day, than the day after I escaped out of the
castle;" and I nothing doubt but it con-
tinued with him, until he entered into the
joy of his Lord.

This day he wrote, and caused others
write, several letters to such as he had a
peculiar concern in. I begin with that he
wrote with his own hand to Madam Smith,
because it gives us a very pleasant view
how matters were with himself. Any body
who knows the common accounts of this
time, need not be informed, that this excel-
lent gentlewoman had been extremely
useful to the earl in his design, and ad-
vanced vast sums of money for promoting
it; and this letter contains the earl's last
token of regard to her. And it follows.

Edinburgh-castle, June 30th, 1685.

"Dear Madam,

"While any thing was a burden to me,
your concern was, which is a cross greater
than I can express; but I have, I thank
God, overcome all; and I hope God Al-
mighty shall comfort you, and give you joy
in the Holy Ghost. I was hardly used at
first by those in whose hands I am, but
God hath melted their hearts, and now I

am very civilly used. I die upon mine old
sentence, and nothing of what passed lately,
is to be in public on either hand. Your
name could not be concealed, and I know
not what any paper taken may say, other-
wise I have named none to their disadvan-
tage. I sought liberty to send this, that
you might not think I had forgot you,
and I took it as a kindness to have it
granted. I thank God he hath supported
me wonderfully. I have fully resigned all
to his holy will; I leave this world wil-
lingly, not for fear of trouble, but with
hope of glory. This is all you can expect
from me from such a place. The Lord God
be with you, bless, comfort, and reward
you, for all your kindness to all saints,
and to

"Your faithful servant,

"ARGYLE."

"I pray God bless all my acquaintances
with you."

Directed on the back, for Madam Smith.

I am well informed, that the earl dined
this day in the castle, and was very plea-
sant and hearty at it; and being used to
sleep a little after meat, and knowing the
want of it might probably discompose him
for his public appearance, he retired to the
closet, and laid himself down on a bed, and,
for about a quarter of an hour, slept as
sweetly and pleasantly as ever he had done.
In the *interim*, one of the principal mana-
gers came up to the castle, by orders from
the council, which sat in the forenoon, to
speak with the earl about somewhat or
other, before he came down the street.
He timed his coming so, as he reckoned
the earl would be done with dinner, if he
could suppose him at a formal meal, when
so near his end, and so came just when the
earl was asleep. The officer of state came
in, and asked for the earl; his friends told
his lordship, that he was taking a nap after
dinner, as he used to do, and had left orders
not to disturb him. This was, and, one
would at first think, not without ground,
reckoned a subterfuge, and he insisted to
see the earl. He was assured of the truth
of the thing, and, for his satisfaction, the
closet door was softly opened, and he saw
the earl sleeping as calmly as ever in his

life. Such a sight rained a storm in the bosom of the other, and he stept out of the room without speaking one word, and rather run than went out of the castle, to the lodgings of a relation of his own, in the Castle-hill, and in much confusion got into a low chamber, throwing himself over in a bed, groaning, and in no small distress. When the servants acquainted the lady of the house, she came in where he was, and seeing him in disorder, imagining it was some sudden sickness, called for a glass of sack, begging his lordship might take it. No, no, said he, that won't help me. She insisting to know what troubled him, he told her, I have been in at Argyle, and saw him sleeping as pleasantly as ever a man did, within an hour of eternity; but as for me, &c. This account I have from unquestionable hands, and it affords a charming view of the power of religion, and a peaceful conscience in the greatest of shocks, and may let us in to the inward horror and stings of mind some of the persecutors had from an unseen hand, when they had nothing to fear from men. And really, the circumstances of our martyrs were even here, more eligible than those of their burriers.*

The time came, when the earl must for ever leave the castle, and go out to his execution, and he was accompanied with several of his friends, down the street to the laigh council-house, whither he was ordered to be carried before his execution, as we have seen. Here I find the earl writing his last letter to his dear and excellent lady, which is so valuable a remain of this dying saint, that I should wrong the reader not to insert it.

Edinburgh, laigh council-house.

"Dear Heart,

"As God is of himself unchangeable, so he hath been always good and gracious to me, and no place alters it; only I acknowledge,

* What a satisfactory spectacle to a philosophical mind to see the oppressor, in the zenith of his power, envying his victim. What an acknowledgment of the superiority of virtue! What an affecting and forcible testimony to the value of that peace of mind which innocence alone can confer! Fox's History, p. 208. —Ed.

I am sometimes less capable of a due sense of it: but now above all my 1685. life, I thank God, I am sensible of his presence with me, with great assurance of his favour, through Jesus Christ, and I doubt not it will continue till I be in glory.

Forgive me all my faults, and now comfort thyself in him, in whom only true comfort is to be found. The Lord be with thee, bless thee, and comfort thee, my dearest. Adieu.

"My dear,

"Thy faithful and loving husband,
"ARGYLE."

This letter, writ just as he was going to the scaffold, breathes such an air of solid Christian piety, affection, and the primitive temper of the first Christian martyrs, that I wish it may leave impression of the reality of religion, the excellency of Christianity, and its glorious supporting power, when all other things fail, upon the mind of the reader. And certainly it ought to do so, when we see so great a man stepping into eternity in such serenity, and admirable composure, parting with his nearest and dearest relatives, in so full assurance, and plerophory of faith. To me this cannot but be a bright proof of the earl's conscience of his own innocence, when under a load of reproach, and just stepping out to suffer, as an evil doer, by men's sentence; and I can have no doubt, but as his cause was good, so his gracious God, whose he was, and whom he served, now gave him the first fruits of that glorious reward he was immediately to enter upon.

Whether it was at this time, or some former part of this day, that he wrote the following letter to his daughter-in-law, lady Sophia Lindsay, I cannot be positive. The earl had an extraordinary value and affection for her, and the two letters generally go together in the copies I have seen, so I am apt to think they are written at the same time. Sure it deserves a room here.

"My dear lady Sophia,

"What shall I say in this great day of the Lord, wherein, in the midst of a cloud, I find a fair sun-shine. I can wish no more for you, but that the Lord may comfort

1685. you, and shine upon you as he doth upon me, and give you that same sense of his love in staying in the world, as I have in going out of it. Adieu.

“ARGYLE.”

“P. S. My blessing to dear earl of Balcarras, the Lord touch his heart, and incline him to his fear.”

This day, and probably at this very time, the earl wrote a letter to another of his dear relations, lady Henrietta Campbell, sister to the former, and lady to Sir Duncan Campbell of Auchinbreck.* This excellent and singularly religious person being yet alive, should I say but a little of what I might and could say of her, it would offend, and her excessive modesty forbids me; and therefore, without saying more, I shall add it here.

June 30th, 1685.

“Dear lady Henrietta,

“I pray God sanctify and bless this lot to you. Our concerns are strangely mixed, the Lord look on them. I know all shall turn to good to them that fear God, and hope in his mercy. So I know you do, and that you may still do it more and more, is my wish for you. The Lord comfort you. I am

“Your loving father and servant,
“ARGYLE.”

When the earl went to the scaffold, the council allowed two ministers to wait upon him, one of their nomination, Mr Annand dean of Edinburgh, and the other of his own choice, Mr Laurence Charters, who, as we have heard, was laid aside for not taking the test, and preached for many years after the revolution. No presbyterian minister would they allow him, and indeed there were not many in the kingdom at this time, all of them being banished or on their hiding. Before they went out of the council-house, the earl in his pleasant way addressed Mr Annand, and asked him, if he thought the pope was that antichrist

the scripture speaks of? Mr Annand answered, Yes, my lord, the protestant churches hold so. But, said the earl, What think you? I think so too, my lord, replied Mr Annand. Then said the earl, Be sure you instruct the people so. When they were mounted the scaffold, before the earl spake any, Mr Annand addressed him to this purpose. “My lord, you are now standing upon mount Calvary, and ere long your soul must be transported out of this valley of tears, into an estate of eternal bliss and happiness; and it is your concernment to wish and pray that the Lord may carry you safe through that valley of the shadow of death, and may give his angels charge over you, to attend you and carry you safe to his own bosom, where you may be ever with himself throughout all the ages of eternity.” The earl gave a very close and reverent attention to his advices, and turned about to Mr Charters, who spake to him to this purpose. “My lord, your lordship is now standing upon the very last nick of your time, and I do not question but you have been busy ere now to get matters ordered aright betwixt God and you; yet it is of your last concernment to be managing well this small moment of time that the Lord is pleased to allow you, and if there be any sin unrepented for, to lay it open before God, who is ready to forgive all penitent sinners.” To this the earl answered, “It is true, Sir, I think it a duty incumbent upon me to make an acknowledgment of my sins; and in order to that, I think this deserves the first place above the rest, that I did not set time enough apart to wrestle with God in private in behalf of his work and interest, and my own poor soul; and likewise, that I did not worship God in my family so much as I should have done, partly because it was too much the custom of this nation to neglect so heavenly an exercise, and partly because I never looked on myself as a person very fit for such an employment, and likewise my public failings, which are well known, and for which I have reason to be ashamed this day.” Mr Annand here struck in and said, “My lord, you are not now to stand upon the particular enumeration of your failings and shortcomings, but you are to know, that

* Some interesting memorial sketches of this lady are to be found among the Wodrow MSS. lately discovered and lodged in the library of the Faculty of Advocates.—Ed.

God is very willing and ready to pardon all penitents." But the earl, without taking any notice of this interruption, proceeded: "Likewise, I have reason to bemoan this as a great fault, that I did not improve the time of my banishment, and these three years' respite the Lord was pleased to give me, so much for his glory, and the advancement of his work and interest, as I might have done in my station; and I earnestly beg that one and all of you who see me die this day, may beware of those and the like sins, as you would not desire the like or worse punishments to be inflicted upon you; for I do really look on my death as a just punishment inflicted on me by God for my sins, though undeserved at the hands of men; and I would have thought as little to have appeared in this place some time of day after this manner, as many of you who are now satiating your eyes in beholding me: but the Lord, in his divine wisdom, hath ordered it otherwise; and I am so far from repining and carping at his dispensations towards me, that I bless his name, and desire heartily to give him endless praise and thanks for the same." After this he said, "Mr Charters, will you pray?" Mr Annand, it seems, reckoned this his due, and so prayed. In his prayer he had this expression, "that the earl was not to look on his body as any thing else, but a litter that kept his soul from soaring on high to enjoy the company of his sweet Mediator Christ Jesus." He said also, "that it was very much to be regretted, that such a pillar of the church was falling this day." I have heard it said, that this expression was extremely displeasing to some of the managers, and Mr Annand was reprimanded for it, either by his ordinary, or some other of the bishops. It was truth he said, and if he was sincere and serious in that part of his prayer, he might have peace in it, though it was not done *permissu superiorum*. My lord Argyle was for no such commendations in public, and as soon as prayer was ended, he turned to Mr Charters, saying, Sir, why don't you pray? then Mr Charters prayed most fervently and seriously. After him, my lord fell down upon his knees on a cushion to pray. When he was kneeling, he

was desired by some appointed to wait on him, to pray within himself, which he did for a considerable time, having his face covered, and hands clasped together. 1685.

Whether it was now or at his first coming up to the scaffold, I know not, but, in the audience of a vast multitude, he delivered his speech to the spectators, which hath been more than once printed; but it is so apposite, grave, and Christian, that I cannot but place it here.

Earl of Argyle's last speech.

"Job tells us, man that is born of a woman, is of few days and full of trouble; and I am a clear instance of it. I shall not now say any thing of my sentence, or escape about three years and a half ago, nor of the ground of my return, lest I may thereby give offence, or be tedious; only, being to end my days in your presence, I shall, in some few of my last words, assert the truth of the matter of fact, and the sincerity of my intentions and professions that are published. That I intend mainly to say now, is, to express my humble, and, I thank God, cheerful submission to his divine will, and my willingness to forgive all men, even mine enemies; and I am heartily well satisfied, there is no more blood spilt, and I shall wish the stream of it may stop at me; that if it please the almighty God to say, as to Zerubbabel, Zechariah iv. 6. 'Not by might, not by power, but by my Spirit, saith the Lord of hosts.' I know, afflictions spring not out of the dust. God did wonderfully deliver me, and provide for me, and hath now, by his special providence, brought me to this place. I hope none will either insult or be stumbled at it, seeing they ought not; for God Almighty doth all well, for good and holy ends, though we do not always understand it. Love and hatred is not known by what is before us. Eccles. ix. 1, 2, 3. Afflictions are not only foretold, but promised to Christians, and are not only tolerable, but desirable. We ought to have a deep reverence and fear of God's displeasure, but with all, a firm hope and dependence on him, for a blessed issue in compliance with his holy will; for God chastens his own, to refine, and not to ruin them, whatever the world thinks. Heb. iii. 10, 12. vi. 10. xii. 2. James i. 2, 11, 12. We must not shun sufferings, we are called to them. Matth. x. 16—40. and xvi. 24, &c. We are called to imitate our Saviour in his sufferings. 1 Pet. ii. 23. and iv. 16, &c. We are neither to despise our afflictions, nor faint under them, both are extremes. We are not to suffer our spirits to be exasperated against the instruments of our trouble, for the same affliction may be an effect of their passion, yet sent to punish us for sin;

though it is a comfort when we can say
 1685. of them with David, Psal. lix. 3. 'Not
 for my transgression, nor for my sin.' Nor are we
 by fraudulent pusillanymous compliance in wicked
 courses, to bring sin upon ourselves, (faint hearts
 are ordinarily false hearts) choosing sin rather
 than suffering, a short life with eternal death,
 before temporal death and a crown of glory : such
 seeking to save a little, lose all, and God readily
 hardens them to proceed to their own destruction.
 I know, many, like Hazael, 2 Kings viii. 13,
 go to excesses they never thought they were
 capable of. Let rulers and others seriously read
 and weigh Prov. i. 20, &c. 2 Chron. xxv. 6
 —16. Prov. xxiv. 10, 11, 12. and xxviii. 10. and
 Isa. lix. especially verse 15. and avoid what is
 bad, and follow what is good. For me, I hope
 by God's strength to join with Job, xiii. 15, and
 the Psalmist, 23 Psal. 4. and to trust as Psal.
 cxlvii. 11. and shall pray as Psal. lxxiv. 19, &c.
 cxxiii. 6, &c. and Luke i. 74, 75. and shall hope
 as Psal. xciv. 15. I do hereby forgive all that
 directly or indirectly have been the cause of my
 being brought to this place, first or last, and pray
 God may forgive them. I pray God send peace
 and truth to these three kingdoms, and continue
 and increase the glorious light of the gospel,
 and restrain a spirit of profaneness, atheism,
 oppression, popery, and persecution; and restore
 all that have backslidden from the purity of their
 life or principles, and bless his whole people
 with all blessings, spiritual and temporal,
 and put an end to their present trials. I en-
 treat all present to forgive me wherein I
 have offended, and to concur with me, that the
 great, good, and merciful God would sanctify
 my present lot, and for Jesus Christ his sake
 pardon all my sins, and receive me to his ever-
 lasting glory.

"It is suggested to me, that I have said nothing
 of the royal family, and this remembers me, that
 before the justices, at my trial about the test, I
 said, that at my death I would pray, that there
 might never want one of the royal family, to be
 a defender of the true ancient apostolic, catholic,
 and protestant faith, which I now do; and that
 God would enlighten and forgive all of them,
 that are either hid in error, or have shrunk from
 the profession of the truth; and in all events, I
 pray God may provide for the security of his
 church, and that Antichrist, nor the gates of hell
 may never prevail against it."

I need make no reflections upon this
 excellent speech, it is solid and judicious,
 and savours strong of heaven, and of one
 who had made the law of God his medita-
 tion, and had the word for his comfort in
 his affliction. When he had ended, he
 turned to the south side of the scaffold, and
 said, "Gentlemen, I pray you do not mis-

construct my behaviour this day; I freely
 forgive all men their wrongs and injuries
 done against me, as I desire to be forgiven
 of God." Mr Annand repeated these words
 louder to the people. Then my lord went
 to the north side of the scaffold, and had
 the same or the like expressions. Mr An-
 nand repeated them again, and said, "This
 nobleman dies a protestant." The earl
 stepped forward again, and said, "I die, not
 only a protestant, but with a heart-hatred
 of popery, prelacy, and all superstition
 whatsoever." Then he came to the
 midst of the scaffold, and took leave of his
 friends, heartily embracing some of them in
 his arms, and taking others by the hand. He
 delivered some tokens to the lord Maitland,
 to be given to his lady and children: Then
 he stripped himself of his clothes, and de-
 livered them to his friends; and being ready
 to go to the block, he desired, the execu-
 tioner might not be permitted to do his
 office, till he gave the sign by his hand;
 and falling down on his knees upon the
 stool, embraced the maiden (as the instru-
 ment of beheading is called) very pleasant-
 ly; and with great composure he said, "It
 was the sweetest maiden ever he kissed, it
 being a mean to finish his sin and misery,
 and his inlet to glory, for which he long-
 ed." And in that posture, having prayed a
 little space within himself, he uttered these
 words three times, "Lord Jesus, receive me
 into thy glory," and then gave the sign by
 lifting up his hand, and the executioner did
 his work, and his head was separated from
 his body.

Thus died this excellent, and truly great
 and good man. His character is far beyond
 any thing can be offered by me, and I shall
 leave it to a better pen. This much I may
 venture to say, he inherited, with his blood
 and estate, the noble and excellent qualities
 of his father. I know no family in Europe
 of this eminency, whom the Lord hath
 honoured so much, as this of Argyle. Father
 and son indeed, in the style of the late times,
 were sufferers for rebellion; but that lan-
 guage is now out of doors, and I hope ever
 shall; and to all persons of consideration
 and reflection, they both shine brightly as
 martyrs for religion, liberty, and their coun-
 try. And it is beyond contradiction, the

Lord wonderfully owned them both, and sealed a deep sense of his own favour upon their souls; and in such a remarkable manner carried them through their last appearances, as enemies behoved to acknowledge God was with them, and in them, of a truth. After their death, the Lord to whom they committed their family, then very low, hath singularly appeared in its behalf. That extraordinary genius, and accomplished statesman, the earl's son, had an eminent encomium bestowed upon him by no less a judge of men than king William, and was advanced to be a duke; and at this day (November 1715,) providence is honouring his grandchild to defend poor Scotland from the same plot of Rome and hell his grandfather essayed to break; and I hope God will honour him effectually to dissipate that same popish and malignant party, and some of the very same persons who had a good share of the bloodshed I have been describing.

The procedure of the parliament against the earl, and the desolation made upon his lands, with the trials and execution of several, upon the score of this attempt, I shall refer to the next section, this being already so much swelled.

Let me conclude with observing, that the earl was so full of composure, and the thoughts of his death were so easy to him, that the day before his execution he wrote those following soft, pleasant, and affecting lines, as his own epitaph, which deserve a place here,

Thou passenger, that shalt have so much time
To view my grave, and ask what was my crime:
No stain of error, no black vice's brand
Was that which chased me from my native land.
Love to my country, twice sentenced to die,
Constrain'd my hands forgotten arms to try.
More by friends' fraud my fall proceeded hath,
Than foes; though now they thrice decreed my death.
On my attempt though Providence did frown,
His oppress'd people God at length shall own.
Another hand by more successful speed,
Shall raise the remnant, bruise the serpent's head.
Though my head fall, that is no tragic story,
Since going hence I enter endless glory.*

This epitaph of the earl's own composing,

* With these lines the reader may compare those which were penned by the marquis of Montrose, in similar circumstances, as given by his biographer, bishop Wisheart, in the Appendix to the Life of that nobleman.—Ed.

was turned into Latin elegiacs, by the reverend and learned Mr William Jamison, preacher of the gospel, and history-lecturer in the university of Glasgow, my dear and much honoured friend; and they having so much of the spirit of the original lines in them, I have likewise added them, with two lines of his own, which dropt from him when translating them, as a just debt he owed to this great man. And though they were written in the days of his youth a little after the earl's death, I am persuaded he needs not be ashamed of them in his advanced years, and after he hath favoured the world, and defended the interests of religion and the church of Scotland, by his learned and larger performances, even though blind from his infancy.

*Audi, hospes, quicumque venis; tamulumque revisis,
Et rogitas quali crimine tinctus eram.
Non me crimen habet, non me malus abstulit error,
Et vitium nullum me pepulit patria.
Solus amor patriæ, verique immensa cupido,
Dissuetas jussit sumere tela manna.
Opprimor, en! rediens, vi sola, et fraude meorum,
Hostibus et sævis victima terna cado.
Sic licet hic noster labor irritus, haud Deus sequens
Despiciet populum secula cuncta suum.
Namque alius veniet fati melioribus ortus,
Qui toties ruptum sine beabit opus.
Sed mihi credo datum (quamvis caput ense secetur)
Hinc petor ætheri lucida templa poli.*

*Hic situs est heros indigna morte peremptus,
Heu! decus hic patriæ, proditur a patria.*

G. J.

After so large accounts of this attempt, I shall not make any remarks upon the indistinct, and, in several circumstances, false narratives given of it by the English historians. I wish Mr Archdeacon Eachard had reconsidered his narrative of the earl's attempt, as he hath done that of his trial, and he would have found cause to acknowledge his partiality here, as well as formerly. His abridge of the earl's first Declaration, p. 750. is taken from that published by the earl's enemies at Edinburgh, to expose him, and ought not to be palmed on the world as his. Multitudes of other reflections might be made, almost on every sentence Mr Eachard hath in this matter; but I hope the preceding account will set this affair in such a just light, as we shall have no more so gross misrepresentations from English writers.*

* The account of Argyle's capture and execu-

1685.

SECT. X.

Of the acts of parliament against the earl of Argyle, the execution of Rumbold and Mr Thomas Archer, and the forfeitures and great trouble others were brought to for this unsuccessful attempt.

HERE I am to bring in what farther hath come to my hand, as to the earl of Argyle's fruitless attempt for the religion and liberty of his country; and it is but a hint I shall give of the parliament's procedure against him, after his being taken, and the fellow-sufferers with him. Indeed it was much, considering the manner of the managers after Pentland and Bothwell, that none were executed after the earl, but worthy Mr Archer. Whether this proceeded from the small numbers that were taken, or from the change of measures and intentions hinted at before, I do not determine. The popish king, having rid himself of the earl here, and Monmouth in England, and there being few or none who resorted to them, perhaps designed to show some lenity, that people might be the better disposed to favour the taking off the penal statutes.

I begin with the procedure against the earl, by the parliament sitting when he made his attempt, and shall subjoin somewhat about the severities used upon the shire of Argyle, and then come forward to the executions and forfeitures upon this account.

The parliament made two acts with relation to my lord Argyle, their 36th and 40th acts, which are both printed, and I shall not swell the notes with them. Allowances no doubt must be made at a juncture

tion has been admirably abridged by Mr Fox, in his historical work, pp. 190, &c. Without vouching for every sentiment expressed by the historian, he has certainly done ample justice to the character of the unfortunate nobleman. With regard to one or two particulars in the narrative, respecting which doubts of their accuracy may be reasonably entertained, recourse may be had to Mr Rose's Remarks on Mr Fox's work (section V.) Since the publication of Sir P. Hume's Narrative by Mr Rose, there can be no doubt that the censure passed by Mr Fox on that distinguished man is misapplied; and that Argyle, with all his excellent qualities, did not possess the capacity or the prudence requisite for such an enterprise.—Ed.

when they were frightened with an invasion, yet there appears a virulence in them, which even this will not vindicate. June 11th, they pass their first act, which they term, "address against the arch traitor Archibald Campbell, sometimes earl of Argyle." Many observes might be made upon this address. The character the parliament give their popish king 'for extraordinary prudence, courage, and conduct,' is not easily to be reconciled with the mad steps taken in a protestant country, during his reign. His courage and conduct may be guessed at, from the known accounts of his management after the prince of Orange's arrival. The parliament are pleased to bestow the epithets of 'hereditary and arch traitor' upon the earl. I know not if their successors, the high-fliers, would so far debase their sacred phrase of 'hereditary right,' as to apply it to those they reckon traitors, though greater paradoxes have been advanced, than to say 'hereditary right,' as maintained by them, is 'hereditary and continued tyranny.' The family of Argyle may glory in, and boast of a successive, and, if they like the word, 'an hereditary' appearance for religion and liberty; but for treason, they have been all along free of it. They insist upon king Charles II. his restoring the earl after his father's forfeiture, as an aggravation of the present attempt for his country, and his raising 'the family of Argyle to a greater lustre than ever.' Providence hath done so indeed now after their pretended treason, but how king Charles did it, I am to seek. And as the earl was all along loyal beyond exception to that prince, and this necessary and lawful attempt was delayed till the accession of a bigotted papist to the throne, so this is a very ill argument *ad hominem*, under this reign; since every body then knew it was the duke of York, who for the earl's hearty regard to the protestant interest, and appearing for it in parliament, had meditated his ruin, and resolved upon his death at his first trial, though I am sure it was no personal pique for this, that moved the earl to make this essay, but his regard to Christ, and his country. The earl's supporting the fanatical party under the last reign, does not appear, unless they mean protestants by

fanatics, and he himself owns his compliances with all that came about, till the test, and that with regret.

It were tedious to run through all the misrepresentations in this address: and upon those they found the petitory part of it, "that the earl might find no favour," which would be easily granted by a popish king, who had been seeking his life before he had such a handle as now he hath; but, beforehand, and most needlessly, they will involve themselves in his blood. What follows is very agreeable to those bloody and violent times, but a little extraordinary. They beg, "that the earl's family, the heritors, ringleaders, and preachers who joined him should be for ever declared incapable of mercy, and bearing any honours or estate in the kingdom, and all subjects discharged, under the highest pains, to intercede for them any manner of way." This needs no remarks, it is so perfectly agreeable to the principle of rooting out of heretics. But what would have come of many of them, had they been so dealt with after their joining Cromwell, and upon other occasions I could name! they close the address by pressing the king to inquire into the abettors of the earl abroad, with a design, in some at least, to fix this attempt upon the next protestant heir and successor, but in vain; and shut up all with an offer of their lives and liberty in their king's defence.

By their other act, June 16th, they annex the offices belonging to the earls of Argyle, to the crown. They have a base and unjust innuendo, if I mistake it not, reflecting on the reformation itself, that the family of Argyle, in the last age as well as this, did commit execrable treason: and upon this narrative, they for ever annex the many and honourable offices that noble family enjoyed, to the crown inseparably; yet, the very next parliament, they are parcelled out to papists and favourites.

Let me next take notice of the council's actings after the earl's death. July 1st, the earl's speech, with lieutenant-general Drummond's letter (which I have not seen) concerning the earl of Argyle's arms and ammunition, is ordered to be transmitted to the secretaries with the following letter.

"My Lords,

"His majesty's royal letter, of the 26th 1685. of June last, anent the disposing of his forces to lie in Annandale, Nithdale, or other places nearest the town of Carlisle, on the Scottish side, until further order, was opened and read in council, and an authentic extract thereof was immediately transmitted by the clerks of council, to the earl of Dumbarton, commander-in-chief of his majesty's forces, who will certainly see his majesty's commands exactly obeyed: but as it is our duty to give ready obedience to all his majesty's sacred commands, so we are bound, by our fidelity, humbly to represent what seems to be expedient for his majesty's service, which is oftentimes more obvious to us who are near hand, than it can be at a distance. In the present state of affairs, we wish and hope that his majesty shall not need to withdraw the few standing forces which are here, from this kingdom; for albeit the great strength of this rebellion be broke, by the blessing of God, (and indeed it is the work of God, and not of man) yet there are none killed, and few taken; so that a great number of the late Argyle his accomplices, are yet lurking in the country, where there are a vast number of fanatics ready for all mischief, upon the first occasion: and their malice fancies grounds of hope on false reports of the late Monmouth's victories, and we doubt they will conclude that the rebels are too strong, and the king too weak in England, when they perceive that these few forces are called from hence, whereupon they may be easily encouraged to rise in multitudes, and, in several places, both to ruin the country, and to cut men's throats; and this day we have information from my lord Dumbarton, that they are seizing horses up and down the west country, which is a great symptom of their designed rising: but if the standing forces be rightly posted, and actively managed, it may be expected that this rebellion will be so far crushed in a short time, as to incapacitate them from rising any manner of way. The late Argyle was beheaded yesterday, and his head ordered to be affixed on the tolbooth, that being the sentence, which was the utmost that the crime he was condemned for could bear; and the three days appointed by his majesty's letter, could not allow a new process, and the most part thought it unfit to have intended a new one, although there had been time; but his majesty's peremptory commands left no room for such considerations. Yesternight we had an account, that sir John Cochran, with his son John, (called of Waterside) and a stranger with them, were taken lurking at the house of an uncle of sir John's,* but we want yet the particulars. We have sent your lordships herewith, a copy of the late Argyle's speech, (the original, all writ

* This was Gavin Cochran of Craigmuir.—Ed.

1685. with his own hand, we have, and, upon oath, he declared that he had neither directly nor indirectly left any other speech or paper upon this occasion. Your lordships will be pleased to remember to send down the remission to the two late lairds of Cesnock, which was sent up some time ago, marked with my lord advocate's hand. These things we desire your lordships to represent to his most sacred majesty, whose royal commands shall be obeyed by the council, in whose name this is signified to your lordships by,

" My lords,

" Your lordships' most humble servant,

" PRATH, Cancell. I. P. D."

" Postscript.—Receive the inclosed from general-lieutenant Drummond, giving an account of the arms and ammunition belonging to the late earl of Argyle, and the rebels, and acquaint us with his majesty's commands anent the disposal thereof."

This letter needs no reflections. " July 9th, the council have a return from the secretary, signifying theirs came by the flying packet, and the king is resolved to have the detachment of the standing forces posted near Carlisle; that Cesnock's remission is to come next post, with his majesty's pleasure about the arms and ammunition."

After the parliament's procedure with the earl, when alive, we need not be surprised at the horrid barbarities committed upon his lands, had it not been done by some of his nearest, though unnatural, relations. I have heard much of the extraordinary cruelties exercised in Argyleshire, after the earl's taking; but being favoured with no particular accounts from thence, I can only give some general hints, contained in the forementioned printed letter. " As soon as Athole and Breadalbin heard of the earl's being taken, they exercised great severity upon the friends and tenants of the earl. Four or five gentlemen of the name of Campbell, after they had gotten protection and quarter at their surrender, were sent to Athole by a very near relation of the earl's with letters pressing earnestly their being punished as rebels. The marquis, with all care and diligence, caused put them to death with eighteen more. He would have gone on in this work, had not the privy council, upon representations made to them of his barbarity, sent an express,

discharging any more lives to be taken, till farther orders from them; which, it is said, were unwillingly obeyed. Great were the severities exercised in besieging Sir Duncan Campbell's house; and Dugall M'Tavish of Duardary was executed in sight of the garrison there; and many more had gone the same way, notwithstanding of the council's orders, under pretext of taking that strength, had not these in the house, having notice of the earl's being taken, surrendered it upon very honourable terms: notwithstanding of which, about three days after, contrary to the articles, the marquis thought fit first to plunder the house, and then to burn it. Then he harassed and plundered the whole country, for thirty miles about Inverary, which belonged to the earl and his friends; and the spoil carried away to the marquis's lands is beyond computation. All this did not satisfy, but parties were afterwards sent to pull down houses, break mill-stones, and burn the woods. In this last their spite was remarkable, the upper part of the timber was cut down and disposed of, and fire set to the under part, and the very roots burned: this was done both to barren and fruit-trees. Great barbarities were exercised towards the poor women who came to look after their husbands' goods, and the whole shire of Argyle was dreadfully depopulated. And when providence was pleased to send a relief to the starving people, by a remarkable take of herring, especially about Lochgoil's head, and the poor people were making some shift to support themselves, the marquis of Athole's men came down upon them, and broke their boats, and burnt their nets. The government was so sensible of those extremities, that in a short time the marquis lost his lieutenancy of this shire, and it was given to lieutenant-general Drummond."

To end this general account; notwithstanding the earl's cause was most just, yet he, his family, and friends were ruined as much as lay in the managers' power. His estate was given to strangers, his children brought to extreme necessity, his creditors defrauded of their just debts, and his friends and vassals were oppressed and harassed continually. Yea, to that height

of madness did some bigots run, that an act was a framing, to be presented to the parliament, for the utter abolishing of the name of Campbell. So high did the tide run at this time against this noble and excellent family, that the earl's brother, that excellent person lord Neil Campbell, could have no liberty to live at his own house; but, as we have heard, was confined at Edinburgh; and when the act of parliament obliged all protestant heritors to take the test, and my lord could not obtemper, he was forced to go in the hazard of his life to America, and leave his lady and family behind him. We have heard of Sir Colin Campbell of Ardkinglass before. He was apprehended in his own house, and kept prisoner, I think, since the close of the last year, and cited in, and tried before the parliament for alleged transmitting of money for the earl's use when abroad, entertaining Mr Thomas Forrester and some other ministers in his house. After the most exact inquiry, nothing of moment was evidently proven against him; however his trouble continued a good while, because in principle he was against prelacy, and did not swear the test. Thus far have I abridged the above-mentioned letter. In short, the oppressions of almost all the gentlemen and heritors of the name of Campbell, through the kingdom, were great, and many more than I can run through; a few will come in from the justiciary registers ere I end this section. Generally speaking, they were heartily averse from prelacy and popery; and consequently the managers in church and state resolved to be at them, and great numbers were forfeited. We have heard of the earl of Loudon, and Cesnock elder and younger, and we shall meet with Auchinbreck, Barbreck, Ellengreg, Otter, and others.

I shall now give what I meet with in the council-registers, relative to those concerned in the earl's attempt, leaving what is there relating to such as were before the justiciary, to be brought in afterwards.

June 24th, the council issue a proclamation for 'apprehending several traitors and fugitives,' which I have annexed in a

note.* The reader will perceive in it the bitter and envenomed spirit of 1685. the penner of it, against the noble patriots, who had embarked in the design of

* *Proclamation against traitors and fugitives, June 24th, 1685.*

James, by the grace of God, king of great Britain, France, and Ireland, defender of the faith; to
 macers of our privy council, or messengers at arms, our sheriffs in that part, conjunctly and severally specially constitute, greeting: forasmuch as Archibald Campbell late earl of Argyle, (that arch and hereditary traitor) having, with some other his accomplices and associates, both of this and other nations, combined together to disturb our government, and the peace and tranquillity of this our ancient kingdom, and having associated to themselves the vile and sacrilegious murderers of James late archbishop of St Andrews, and even that bloody miscreant Rumbold the maltster, who was to have imbrued his hands in the sacred blood of our dearest brother, and to have been the principal actor of that hellish tragedy, designed at the Rye in England; they, pursuant to their traitorous and wicked plots and designs, having landed in some of our western and highland islands, and there pillaged and harassed our people for a considerable space bygone; and now, after all their desperate endeavours, it having pleased almighty God to give our forces that good success over these our enemies, as to defeat and totally rout them, many of whose chief ringleaders are now taken, and particularly the said arch traitor Archibald Campbell, Rumbold the maltster, John Aylief, called colonel Aylief, (which last, out of the terror of his atrocious guilt and despair, endeavoured to kill himself after he was taken, by giving himself a wound in the belly with a knife, in the prison of our burgh at Glasgow) and many others: and whereas there are several of that hellish crew not yet taken, who may skulk and lurk in this our realm, with these of their party, and be sheltered by disaffected persons; and we, being resolved to prosecute and pursue those execrable rebels and traitors, until they be apprehended and brought to condign punishment, do hereby, with advice of our privy council, require and command all our good and loving subjects, and particularly all our sheriffs and other magistrates, and the officers of our standing forces and militia, to use their utmost endeavours for apprehending the said rebels and traitors, and bringing them to justice; and for that effect, to convocate our lieges, and use all other warlike force against them. And for their encouragement, we hereby not only indemnify and fully pardon them of any blood, slaughter, mutilation, fire-raising, or such like inconveniences, which may fall out in this our service; but we do hereby promise and assure any person or persons, who shall apprehend the persons underwritten, dead or alive, or discover them so as they may be apprehended, the rewards following, viz. for John Cochran, sometime called Sir John Cochran of Ochiltree, Patrick Hume, sometime called Sir Patrick Hume of Polwart, forfeit'd traitors, Archibald Campbell, son to the lord Neil Campbell, Charles and John Campbells sons to the said arch traitor

1685. recovering the religion and liberty of Scotland. To blacken the earl's expedition, they publish to the world colonel Aylieff's design to make himself away; which as it does not at all affect this attempt, so it might be the effect of their own severities; and I find the fact very much questioned by persons of good sense, who lived at that time: however, personal failures of persons engaged in a good cause, do not affect the cause itself; and it is a proof, people are reduced to their last shifts when those things are insisted upon by a government. After this preamble, rewards are offered to such who shall apprehend John Cochran of Ochiltree, Patrick Hume of Polwart, Archibald Campbell son to lord Neil Campbell, Charles and John Campbells sons to the late earl of Argyle, Pringle of Torwoodlee, Sir Duncan Campbell of Auchinbreck, eighteen hundred merks for each. A small sum, when compared with that set on Mr John Welsh, the murderers of the archbishop, and others, long ago, and for Sir William Denholm of West-shiels, Balfour, and Fleming, murderers of the archbishop, William Clelland and David Stuart younger of Cultness, a thousand merks. The last is described by an

Archibald Campbell, Pringle of Torwoodlee, Sir Duncan Campbell of Auchinbreck, and each of them, the sum of eighteen hundred merks Scots money; Denholm of West-shiels, and Balfour, and Fleming, murderers and assassins of the said late archbishop of St Andrews, William Clelland, called captain Clelland, and Stuart younger of Cultness, grandchild to Sir James Stuart sometime provost of Edinburgh, and each of them, one thousand merks money foresaid; for Wisheart master of one of the ships who came alongst with the said arch traitor Archibald Campbell, five hundred merks, and for every fanatical preacher who was with the said rebels, one thousand merks money foresaid. And we further declare, that if any of our subjects shall be so desperately wicked, as to harbour, reset, entertain, intercommune, converse, correspond with, or comfort any of the said persons, any manner of way, or shall not give intelligence of them, or shall not give their assistance against them, that they shall be holden, repute, treated, and demeaned as art and part of, and accessory to the said horrid crime of treason and rebellion against us, and our royal government, with the utmost severity of law. And generally, we hereby prohibit and discharge all our subjects, from harbouring, resetting, lodging, or entertaining any persons whatsoever, unless they have a pass from these authorised by our former proclamations to grant the same, as they will answer

epithet, I am persuaded, he glories in, grandchild to Sir James Stuart sometime provost of Edinburgh; though they designed it as a reflection on that worthy person's memory. And they put a thousand merks on every minister who was with Argyle; and then go on to make it treason to harbour, reset, correspond with, or comfort any of those persons. And any who shall not give intelligence of them, or assistance against them, are declared art and part of their treason, and accessory thereunto. Notwithstanding of this severe clause, they were sheltered and harboured by many: particularly, that eminent religious lady, Eleonore Dunbar aunt to the present earl of Eglinton, did inquire diligently after the gentlemen lurking in the country, and getting notice of Sir Patrick Hume of Polwart, and the laird of Kaitloch, she invited them to Kilwinning where she lived, and maintained them for several weeks in an empty house there, till they were safely conveyed to Holland. The countess of Loudon did employ a trusty servant, and sent money and other things to gentlemen lurking in the country. There was also a singularly pious woman in Irvine, Jean Rollock, who harboured David (since doctor) Dickson

at their highest peril. And that this our pleasure may be known to all our lieges, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, Linlithgow, Stirling, Lanark, Ayr, Renfrew, Rutherglen, Glasgow, Irvine, Dumbarton, Wigton, Kirkcudbright, Dumfries, Inverary, and all the other market-crosses of the head burghs of the shires of this kingdom, and there, by open proclamation, in our royal name and authority, make publication of our pleasure in the premises. And we further hereby recommend to the right reverend our archbishops and bishops, that they cause this our royal proclamation be read from the pulpits, by the ministers of the several parishes in their dioceses, respective, upon the first Lord's day after the same shall be delivered to them; requiring hereby all our sheriffs, to cause publish and deliver this our proclamation in manner above said, immediately after the same comes to their hands, as they will answer the contrary at their highest peril.

Given under our signet, at Edinburgh, the twenty-fourth day of June, one thousand six hundred and eighty five, and of our reign the first year.

Per actum dominorum secreti concilii.

Col. MACKENZIE, Cl. Secr. Concilii.

God save the king.

for several weeks, till he got safe to Ireland. And to make new grounds of oppression to the country, all the subjects are discharged to harbour, reset, lodge, or entertain any person whatsoever, unless they have a pass from those authorised lately to give it. I have already observed the hardships of this as to the lieges' trade and liberty, and those orders brought multitudes to very great straits and difficulties. This proclamation is ordered to be read from all the pulpits in the kingdom, which would be carefully seen to by the lords of the clergy. That same day, with the above-named proclamation, the council give orders to disband the whole militia regiments, through the eastern and northern shires.

July 6th, William Cochran of Ochiltree younger, is allowed to go about his affairs, upon bond, to compear when called, under the sum of a thousand pounds sterling. His father was now seized, as we have heard. July 9th, fifteen prisoners taken with Argyle, of the meaner sort, are banished to New-England, and given to William Arbuckle on his petition to the council. July 14th, Mr Blackadder taken in Orkney, "Appears before the council, acknowledges the king's authority, and his sacred majesty to be his liege lord, and upon his desire of some time to consider the oath of allegiance, the council allow him till Thursday;" and September 3d, I find a remission comes down to Dr William Blackadder. July 16th, "The lords of his majesty's privy council empower John marquis of Athole, to keep watch in the shires of Argyle and Taret, and to take under his protection the said shire against thefts, robberies, &c. with power to him, for that effect, to convocate his majesty's lieges in arms, and to follow, pursue, take, and apprehend any person or persons guilty of, or accessory to the said crimes, either by reset, or otherwise, till they be brought to a legal trial; and further, is authorised to seize upon, and retake the goods and gear reft and stolen from any of the inhabitants." We have heard how much this commission was used against Argyle's friends and tenants there. That same day, William Buchanan of Drumakill, and Buchanan of Arnprior, have the same powers given them for the shires of Dumb-

ton and Stirling. And July 20th, the council take off the confinement laid 1685. upon the captain of Carrick, and several other gentlemen of the name of Campbell, upon their taking the oath of allegiance. July 30th, a letter from the king is read in council, as to the prisoners of the more common sort. "Right trusty, &c. Whereas we are informed that a greater number of rebels are taken prisoners than we think fit to be executed, according to their deservings, we do hereby authorise you to order our advocate, to prosecute before yourselves, such of the meanest sort as you think convenient, and banish them to the plantations; with certification, that if they return without leave, they shall be denounced as traitors. We do also authorise you to prosecute before our justiciary, in order to their execution, such of the said rebels as you shall think fit, for deterring others from committing such crimes for the time to come. For all which this shall be your warrant. Whitehall, July 25th. MELFORD."—Accordingly we have seen great numbers of them banished and transported towards the end of this year, upon the 4th section. August 4th, major-general Drummond is empowered to seize all the arms brought in by Argyle, wherever he finds them. December 3d, I find letters are written to the several shires, that lists be sent in of heritors who attend not on the king's host. The returns are to be made next year: and since I want the council registers, I can give no account whether any prosecutions followed. No more offers upon this head, save what may come in upon the last section.

I come now to give the criminal prosecutions of those who were with the earl before the justiciary; and I shall begin with Rumbold and Mr Archer, who were executed, and then touch at some others who were before the criminal court, and yet escaped with their lives.

Not long after the earl, that gallant and good man colonel Rumbold was taken. I have no distinct account of the manner or place; but am told, that being attacked by the country militia, he made his way easily through them, and being of great courage, skill, and strength. when two or three

1685. attacked him at once, he was abundantly able for them, and maintained a running fight, and was like to get off, till one of them wiser than the rest came up and cut his horse's legs miserably, and disabled him so, that he was no longer of use to him; and then he was soon oppressed with numbers, and terribly wounded. When the accounts came to Edinburgh, that Rumbold was taken, and coming in prisoner, June 22d, "The council ordain the magistrates of Edinburgh, as soon as he comes to the water-gate, to put him in a cart, and cause the hangman put a rope about his neck, and the hangman's man going before him leading the horse, Rumbold being fettered and bare headed; and captain Graham is to receive him with drums beating, and colours displayed, and carry him to the castle!" and June 23d, the advocate is ordered to process him before the justiciary. And June 25th, before the justiciary meet, the council make the following act and recommendation. "The lords of his majesty's privy council do hereby recommend to the lords justice-general, justice-clerk, and remanent commissioners of his majesty's justiciary, to meet to morrow by ten o'clock in the forenoon, and to call the dittay of high treason against Rumbold, commonly called colonel Rumbold, or the Maltster; and, after he is found guilty of the said crimes, do recommend to the said lords, to cause him, the said Rumbold, to be immediately taken from their bar, to the laigh council-house, to be examined by the magistrates, and hear prayer in the ordinary way; and that order may be given by them to the said magistrates, that a scaffold and a high gibbet be erected above the cross, towards the west, and that after he is examined, and prayer heard, they cause him to be led down by the hangman, with his hat on to the scaffold, and there to be hoised up the gibbet, with a rope about his neck, and immediately to be let down, and the rope being about his neck, his heart to be cut out by the hangman, and shown to the people upon the point of a bayonet or dagger, round about on the scaffold, who is to express these words, 'here is the heart of a bloody traitor and murderer,' and which thereafter the hangman is with disdain to

cast in a fire prepared on purpose on the scaffold, and thereafter his head is to be cut off, and shown to the people by the hangman, in manner foresaid, and expressing the former words; and then his body is to be quartered, and one part thereof to be affixed at the port or tolbooth of Glasgow, another at Jedburgh, a third at Dumfries, and a fourth at the Newton of Galloway, his head being to be affixed at the west-port of Edinburgh, on a high pole; and do ordain the magistrates of Edinburgh to see this order put in execution accordingly." We may easily guess from this severe act, how this gentleman would be treated when before the managers. I am well informed, that when examined by the council he was basely insulted, which did not much move him, but with great calmness he owned the cause he had appeared for, and his joy in his sufferings. Whereupon one of them railed on him, calling him 'a confounded villain.' With the utmost sedateness he replied, "I am at peace with God through Jesus Christ, to men I have done no wrong, what then can confound me?"

According to the council's act, the justiciary proceed, June 26th, "Richard Rumbold, designed colonel Rumbold, maltster at Rye, in the county of Hartford in England, enters the pannel. His indictment is read, that Richard Rumbold, the most execrable of all traitors, did conspire, undertake, and endeavour to kill the king and his late majesty, at their return from Newmarket, and being disappointed in this, he fled over to Holland, was with the late earl of Argyle, and with him invaded this kingdom with ships, men, arms, ammunition, upon the day of May last, and sent over their treasonable proclamations, convocate subjects, and was in open rebellion, and continued therein till taken. The advocate restricts the libel to his being with that execrable traitor, Archibald Campbell sometimes earl of Argyle, and associated with him to invade this kingdom, as above; and for probation adduceth the pannel's own confession, as follows. That he did associate himself to the earl of Argyle, invade the kingdom, was a commander, and assaulted some of the king's forces at Ardkinglass, where there was one killed on each side; that he

did not know John Balfour of Kinloch till aboard, that he was designed to have been a cornet of horse, and was in the Highlands. Confesseth, he knew James Stuart, who was privy to their invading Scotland; that the said Mr Stuart said to him, that the earl of Argyle would spoil all by landing in the Highlands, and lingering there, that the best and surest way for them was, to land in the main land, in the west of Scotland, and offer arms to such as would take them; that he heard the late earl of Argyle say, Mr Stuart had given the duke of Monmouth counsel to assume the title to the crown." Very soon the assize found him guilty, and the lords pass their severe sentence, "That he be taken from the bar to the laigh council-house of Edinburgh," &c. just in the terms of the council's act above-mentioned, and ordain this sentence to be put in execution this 26th day of June, betwixt two and five in the afternoon.

Accordingly it was put in execution in every article of it. Rumbold, when brought to the scaffold, was so weak, that he could not walk alone, but was supported by two officers, and not being able to stand, he was led to the north side of the scaffold in that posture, and directed his speech to the people to this purpose. "Gentlemen and brethren, it is appointed for all men once to die, and after death is the judgment; and since death is a debt all of us must pay, it is a matter of small moment and consequence, what way it be done. But seeing the Lord is pleased to take me to himself after this manner, as it is somewhat terrible to flesh and blood, yet, glory to him, it is not terrible to me in any wise. I bless his name that hath carved out such a lot to me, and I desire to magnify and bless his holy name for it, that it is upon no ill account, but for owning and adhering to his distressed work and interest." Here they beat the drums, at which he shook his head, and said, "Will they not suffer a dying man to speak his last words to the people?" and then went on. "And for my avowing to be against popery and prelacy, these two superstitious and pernicious devices of men, obtruded on the church of God. I am so confident of the

righteousness of the cause, and my 1685.
innocence in the matter, that though every hair in my head were a man, I could willingly part with them for it. I confess, enemies think they have gotten their foot on the neck of the protestant interest now: but I am persuaded it is as true, as that I am this day entering into eternity, that Christ shall be glorious in those lands, and even in poor Scotland, and that shortly: and it is like, many who see me die this day, may be witnesses thereof; yea, he shall govern those nations with a rod of iron, and that to the terror of his enemies." This was just the present sense and feeling of his soul. He was not able, through pain and weakness, to form any premeditated discourse, but off hand spoke out the present thoughts and sentiments of his heart. After this he addressed himself to the Lord in prayer, with the greatest cheerfulness and composure. His expressions in prayer, as far as they could be remembered, were to this purpose. "O Lord, I have been a great sinner, and I desire thou mayest get this opportunity for expressing thy great mercy in pardoning great sins. Thou hast allowed me a considerable time in the world, and I am turned grey-headed in my sins, but thou hast commanded the ends of the earth to look to thee and be saved, which I desire to do this day, and thou hast said, that those who come unto thee, thou wilt in no wise cast out. I cast myself wholly on thee, and trust thou wilt be as good as thy word. I desire to embrace Christ on his own terms, and beg thou may safely guide me through the dark valley of the shadow of death, and make thy rod and staff comfort and support me. It is true, I am going to die, but what is the matter? though I had a thousand lives to lose, if so be I may gain the least grain weight of glory to thy holy name thereby, I am content." When he prayed for the extirpation of popery and prelacy, and other superstitions out of God's house, the drums ruffled again. After the prayer was ended, the executioner kneeling begged his forgiveness. He answered, 'Yea, good fellow, I forgive thee and all men.' Then after he had prayed again within himself, and given the sign, he was executed

and quartered, as in the sentence. 1685. Let me only add, that August 4th, the council order Rumbold's head to be taken down and put in a chest, and sent to London in a ship, to be disposed of as his majesty pleases.

It was some longer time before Mr Thomas Archer was executed; and I shall in this place give any short hints I have of this excellent person, and then go forward unto other sufferers, not unto death, upon the score of the earl of Argyle's attempt.

The Reverend Mr Thomas Archer, was brother to John Archer formerly mentioned; and I have the following accounts of him from ministers and others yet alive, who had the happiness of his acquaintance. The Lord began very early to incline his heart to piety; and when he was little more than a child, that eminent minister, and extraordinary Christian formerly mentioned, Mr Alexander Moncrief, gave him that character, that he made conscience of lifting his bonnet, that is, of the most minute actions of his life, and did all with a holy tenderness, and out of a principle of religion; and yet after he had gone through his university studies, he wanted not shakings and exercise about the state of his soul; at length he got comfortably out of all, and enjoyed much of a life of serenity and consolation through the remainder of his time. When he received his degrees at the university, I think, of St Andrews, it was with great applause, and the masters who examined him, declared they had not met with his equal in learning for many years. Some years after, when chaplain to the lady Riddel, in that country, he was licensed to preach the gospel by presbyterian ministers, and his sermons were very judicious, methodical, and most scriptural. He was so exact in what he delivered, that he neglected the manner, being intent upon the matter. He was not so acceptable to vulgar hearers, as some other young men far inferior to him in abilities. His conversation was very grave, sedate, prudent, affable, and cheerful; he was an excellent scholar, very bookish, and gave himself to reading, meditation, and prayer. When staying in a gentleman's house in the Merse, he was,

about the year 1682, taken prisoner, for no other fault than preaching the gospel now and then; and, as we heard, he was brought in prisoner, and continued some months in the Canongate tolbooth. There he improved his time very closely, and in a little, made himself absolutely master of the Hebrew tongue, and was a great master of both the original languages of the scriptures. At length he was banished the kingdom, and made to sign a bond never to return to his native country, without the government's allowance; and he retired to Holland.

In Holland, he mightily improved in all branches of valuable learning; and while there, was employed to correct the Dutch edition of Pool's Criticks, then printing. He was there ordained a minister of the gospel by the Scots ministers, from their deep sense of his excellent endowments. Mr Robert Fleming, and Mr Alexander Hastie preached at his ordination. He was assured that his bond was got up by his friends in Scotland, from the council, otherwise it is probable he would not have consented to have come back. Being a youth of great gallantry and spirit, he was prevailed upon to engage with Argyle. After they were dissipated, he got over Clyde, and was in the engagement at Muirdyke, where Sir John Cochran commanded: his horse stumbling, fell to the ground, and his pursuers might easily have made him prisoner, but such was their barbarity, that before Mr Archer could recover himself, one of them poured in a pair of balls into him, whereby he was sorely wounded, and while lying wounded, he was robbed of his bible, watch, and some gold; and, as we have heard, after he had lain bleeding almost to death, he was, by his friends, carried into a country house, where he was soon taken, and brought into Paisley, where his wounds were dressed, and were extremely painful to him. Thence he was carried into Glasgow, where he remained some days in great distress, and very low; and was sent into Edinburgh, by order of the council. So extremely weak was he, that he was not able to sit upon a horse, and therefore was sent east upon a cart, and, with no small

difficulty, the honest people in Glasgow prevailed to get a feather-bed laid under him. Before the council he was reproached bitterly, that he had broke his engagement by bond. This was no small grief to him, and he regretted very much that he had been made to believe that his friends had got it up; and the council, July 13th, put him over into the hands of the criminal court. While in prison, great importunity was used with people in power, for his liberation; and it was represented he was in a dying condition by his wounds, and physicians declared so much; but nothing would prevail with them. In all the turns, they resolved to have some ministers sacrificed to their fury, the great Mr Guthrie after the restoration, the excellent Mr Hugh Mackail after Pentland, Mr King and Mr Kid after Bothwell, and now worthy Mr Archer.* The duke of Queensberry was addressed in a particular manner, and even by his own son, who had a high value for Mr Archer, but always received with indignation; and he told his son in very odd terms, his life could not be spared. All those endeavours failing, a design was laid to have him secretly conveyed out of prison, and it came so great a length, that once the sentinels had money given them. A worthy gentlewoman, yet alive, Mrs Montgomery, servant to the late excellent duchess of Hamilton, bestowed ten dollars that way. In short, every thing was made ready, but he himself broke the project,

* Mr Fox is of opinion that our author, though a most valuable and correct historian, was not without a tincture of the prejudices belonging to his order. And to this he attributes the above remark. To have been absolutely without any such tincture would have been something superhuman. But Mr Wodrow states only a plain matter of fact; and there is nothing of prejudice in the idea, that clergymen of zeal and talent and high popular eloquence would be particularly obnoxious to a persecuting government, and that the removal of such men as those noticed above would naturally be decreed by such a government. Mr Fox's own account of the thing is the severest censure that was perhaps ever passed on the tyranny and cruelty of the leaders in the tragic scene. "To him who is well acquainted with the history of this period the habitual cruelty of the government will fully account for any particular act of severity; and it is only in cases of lenity, such as that of Cochran, for instance, that he will look for some hidden or special motive!"—Fox, p. 215.—Ed.

and told his friends, that he reckoned himself a dying person; and seeing he reckoned he could not serve his Master in any other manner, he did not think it his duty to decline a testimony for him and his truth, by a public death. 1685.

August 12th, I find him before the justiciary. He should have been brought before them twice formerly, but was perfectly out of case through bodily weakness, and by every body looked upon as dying: yet those merciless men would take his blood upon them. His indictment was read, and he charged with treason. Probation, his own confession, "That he had been in company with the earl of Argyle; that the earl had imparted his design to him of invading Scotland; that he went before to Ireland, to prevail with some persons there to join the said earl, but none came; he declines peremptorily to condescend upon their names; that he continued with the rebels till dissipated; that he was with Sir John Cochran's party near the Stone-fold, and received a shot in his side, and was carried to a house near by, where he was apprehended; that he had a sword. THO. ARCHER." The assize brought him in guilty by his own confession, and the lords sentence him to be hanged on a gibbet, August 14th, till dead. He was still delayed till Friday, August 21st, when he suffered death. I am sorry I have no large accounts of his Christian and cheerful carriage on the scaffold, but shall here insert his last testimony, which he drew up in prison, and delivered as much of it as he was able at his death, and I give it from the original copy, yet remaining with his friends.

The last words and testimony of Mr Thomas Archer minister of the Gospel, which he designed to speak on the scaffold, August 21st, 1685, and left with his friends, subscribed with his own hand.

"My weakness being such, through long sickness, as I know not when I may be surprised with death, and being persuaded in my own mind, that in some weak measure I desired to follow God's call, whilst I came along with this (now broken) party, and that, with some simplicity and self-denial, I desired to aim at God's glory, and the comfort of his church. I desire, in some sincerity of heart, to leave my mind in these few lines, for the satisfaction of my friends

and others. The apprehension I had of
 1685. the great danger of the protestant religion,
 and the informations of the exorbitant oppressions
 of men in their estates, but especially in their con-
 sciences, even to their wasting, were my motives
 to engage in this enterprise, if not sufficient, I
 leave it to others to judge. That popery is like to
 be the plague of these lands, many now begin to
 be convinced that would not believe it before; the
 atheism and profanity of the generation is a fit
 disposition for it; and, it may be, the evil of it
 may begin to be less seen, that it may be account-
 ed a light matter: but let that scripture be ser-
 iously considered, Revel. xiv. 9, 10, 11. 'And
 the third angel followed him, saying with a loud
 voice, If any man worship the beast and his im-
 age, and receive his mark in his forehead, or on
 his right hand, the same shall drink of the wine
 of the wrath of God, which is poured out with-
 out mixture, into the cup of his indignation,
 and he shall be tormented with fire and brim-
 stone, in the presence of the holy angels, and the
 Lamb; and the smoke of their torment ascend-
 eth up for ever and ever, and they have no rest
 day nor night, who worship the beast, or his
 image, or whosoever receiveth the mark of his
 name.' It was always my judgment, and I
 hope to die in it, that the obligation of the cove-
 nants is national, and indissoluble, and that even
 the posterity renouncing them, shall be found
 guilty of horrid perjury and apostasy before
 God, since in them we first engaged immediately
 to serve him. I own the alone headship of our
 glorious Saviour Jesus Christ over his church,
 to be a truth from Scripture most clear and in-
 controvertible, to set up officers over his church,
 and not of his appointment, to give laws to her
 of that nature, is an usurpation most fearful,
 especially when it may be in the hands of a per-
 son, not a member of the church; and to rob
 the church of the ministerial ruling power com-
 municated to her officers by her head Christ, or
 to hinder her of the due exercise of it, is a tyran-
 ny and oppression most crying before God. I
 have ever opposed myself to contentions and new
 differences, wherein (I thank the Lord) I have
 peace without a challenge as to the thing. Di-
 visions and contendings have been the undoing
 of this church first and last, but, I think, more
 of late, and more shamefully than ever, the mat-
 ter being so small (if wisely considered) about
 which all this noise hath been made. I take
 not upon me to justify the indulged ministers,
 neither will I rigidly condemn them; but if the
 separating from their ministry, and pressing the
 matter with such heat and violence, shall be
 found to be good service done to Christ, I have
 read the Scriptures wrong; and the sad conse-
 quences of it are convincing enough, if people
 were humble and convincible. It was this con-
 tention which expelled that profitable and most

edifying exercise of mutual prayer, and Chris-
 tian conference, (that I may say nothing how it
 drove from the shepherds' tents) upon which
 followed a sensible decay in the exercise of god-
 liness. I did devote myself to serve the Lord
 in the gospel of his Son; I trust he hath accepted
 my offering. I had some willingness to do him
 service upon occasion, although, alas! my dress
 of self and other evils cleaved fast unto me; yet
 he knows, that to edify his people, was the
 principal thing, next to his glory, I aimed at.
 I have lived, and desired to die, hoping that the
 Lord will yet glorify his grace and gospel in the
 land; and that he hath not brought us under
 the bond of the covenant, immediately to cast
 us off, (though we deserve to be cast off) but
 that the children which are yet to be created
 may praise him. Those sad desolating strokes
 are so far from being a stumbling block to me,
 that they are rather a confirmation. Sure the
 most pious people, and of the greatest numbers
 likewise proportionably (to the yondmost of my
 knowledge) is in Scotland of any place in the
 earth; and shall we think, that the Lord
 scourgeth them in the open sight of others, for
 their destruction! and not rather that he is
 beginning his judgments at the inner house
 and sanctuary! and others who now may laugh
 at our calamity shall not escape, if judgment
 begin at the house of God, 1 Peter iv. 17. I
 desire to hope the Lord will bring his third part
 through the fire, and will refine them as silver
 is refined, and try them as gold is tried; and
 God shall say of them, it is my people, and they
 shall say, the Lord is my God. Zech. xiii. 9. I
 own the king's authority, since he hath it not
 only by God's providence, but by the consent of
 the estates of the land, who have determined,
 that he is the lawful successor. And it is a
 question, if he be worse than those whom the
 prophets have been subject unto under the Old
 Testament, and those to whom the apostle com-
 mands subjection under the New. And if the
 distinction betwixt the authority itself, and the
 exercise thereof, were rightly understood, I
 think there should be less poor men's blood spilt,
 and less reproach cast upon religion. I thank
 the Lord, I have no prejudice against any man
 living, to the utmost of my knowledge, but do
 most heartily forgive every man, as I desire to
 be forgiven of God myself. I resent and ac-
 knowledge my weakness, in being a witness
 against several worthy persons, both present and
 absent, a worse deed than Saul's consenting to
 the death of Stephen's, though, I think, I had no
 eye to my own safety, far less an ill will at the
 persons, all whom I highly honour, and of all
 whom I heartily entreat forgiveness. I desire
 to give a farewell to the world, and all the en-
 joyments thereof, and to my dear relations, dear
 both in the flesh, and in the Lord, in the firm

hope of the eternal fruition of God, Father, Son, and Holy Ghost, whom I desire to choose for my portion, and through my Saviour Jesus Christ, whom I have designed in some weak measure to serve; to whom I commit myself as to a faithful Creator and Saviour.

“THOMAS ARCHER.”

This solid and judicious testimony needs no commendation from me. I only add, that Mr Archer was so very weak that day he was executed, that he behoved to be carried to the scaffold in a chair, and in all probability a few hours would have carried him to heaven though he had been spared. When coming out of prison, he said, “I bless my God, I have now no more to do but to die.” When upon the scaffold, he prayed first, and then read Isaiah 65, and next spoke to this purpose, as far as could be gathered: “There is a great confluence of people here, and I hope there are many who desire to be edified by this kind of death, and I wish there were more. By reason of my weakness and sickness, you cannot expect a long discourse, nor with such utterance as this auditory requires. As to the grounds whereupon my sufferings at this time are stated, I need not enlarge, they are well known; I shall only say this, as my design was upright, so were my motives in coming to Scotland in such a time and manner; they may call it insurrection and rebellion, but the Lord knows there was no such thing. My motives were the great apprehensions I had of popery, and my regard to the kingdom and interests of Christ here, and I wish every one were concerned with the evil and hazard of popery.” Here the bailie interrupted him; whereupon he added, “I shall only refer you to Revelations xiv. 9, 10, 21,” and said to the bailie, “You cannot deny but popery is hazardous;” who answered, “It is true, but there is no fear of it here, blessed be God.” Mr Archer said, “I wish to God it be so,” and then continued his discourse. “What I have further to say is, that Christ hath a kingdom, wherein and over which he reigneth as King, so he will suffer none to usurp that power, which is his own prerogative, and which he will not give to another, to constitute and appoint officers contrary to his institution.” When going

on upon this subject, the bailie interrupted him again, saying, “Sir, if 1685. you hold not off your principles and reflections, I will cause beat the drums.” Mr Archer went on, “Well then, I hope none of you who are the people of God, need stumble at our fall, as if God would let the work rest at us, for he has other means, ways, and instruments nor us to make use of: for it may be well known to you from scripture, that the people of God have got many backsets one after another, but the Lord has waited for their extremity, which he will make his opportunity; and for this, take notice of Micah iv. 10. ‘I will bring them to Babylon, and there will I deliver them.’ So I pray and entreat you all to be concerned for your souls’ interest; as for my own part, I know I have no more to do as to that. Fear of death does not fright or trouble me, I bless the Lord for my lot.” Then he prayed again, and sang the 73d Psalm, ver. 24, to the end, and died with great cheerfulness and joy. In him the church of Scotland lost a burning and shining light, who might have been long a useful minister of Christ. One who knew him well, assures me, for solidity and learning he was qualified to be a professor of divinity in any university. He was about thirty-two years of age at his death.

Having thus given account of the two worthy persons who were executed for this attempt, I come now to some of the processes before the justiciary, for accession to the earl’s attempt. July 16th, two excellent persons are before the criminal court, David Stuart (now Sir David) of Cultness, and Mr William Spence servant to the late earl of Argyle. We have heard of the last his being seized at Orkney, from whence he was sent over to Edinburgh; and the first was taken a little after the earl of Argyle, and carried into Edinburgh. By the council-books, I find the advocate is, July 13th, ordered to process before the justiciary, David Stuart younger of Cultness, Mr William Spence, and Dunbar. This last I find no more about. The two first are both indicted for treason, and David Stuart’s own confession is adduced as probation. “David

1685. Stuart confesseth he went over to Hol-land, conversed with the late earl of Argyle, that he came over with him to the highlands, continued with the rebels till taken; that he had a sword, that he owns the king's authority." "William Spence hath for probation led against him, Mr Thomas Archer, who depones, he saw him with the late earl of Argyle, as his servant. Mr William Blackadder, doctor in medicine, depones the same. Both of them are remitted to an assize, who bring them in guilty. And the lords ordain David Stuart and Mr William Spence, to be taken to the cross of Edinburgh on Wednesday next, the 22d instant, and hanged." The Lord had more service for them, and the sentence was not executed. All I find further about them is, July 20th, "The lords of council having considered the addresses of David Stuart younger of Cultness, sentenced to die on Wednesday 22d instant, do reprieve them to September 3d. August 17th, Mr William Spence is allowed to remove to a chamber in Edinburgh, because of sickness, and to be kept under a guard. The magistrates of Edinburgh are to be liable for him if he escape, and he is to re-enter prison September 1st. August 25th, a letter is read from the king, continuing the reprieve of Cultness younger, till his majesty signify his pleasure to the contrary. That same day Mr William Spence his reprieve is continued till November 1st, he being a necessary witness for the king. And September 3d, his reprieve is continued by a letter from the king, till he declare his pleasure to the contrary; and by a letter from the king October 17th, Mr Spence is ordered to be made close prisoner." This is all I meet with about them in the council-books.

August 1st, I find "Archibald Campbell, sentenced to die by the justices, appears before the council, and declaring himself content to renounce all rebellious principles, they reprieve him till December. And August 18th, a letter is read from the king, bearing, that it is his royal pleasure, that Charles and John Campbells sons to the late earl of Argyle, Archibald Campbell son to the lord Neil Campbell, should be spared

as to their lives, and be banished, but that the sentence of forfeiture be passed upon them." The council recommend to the justices accordingly, and order Charles and John Campbells to be brought from Stirling to Edinburgh, in order to their trial. Accordingly, August 21st, Charles Campbell is indicted for being in the rebellion, and upon his confession is sentenced to die, and the day left to the council's pleasure. And August 25th, "John Campbell, son to Archibald Campbell sometime earl of Argyle, indicted for rising in arms for committing acts of hostility and high treason, treasonably corresponding with, harbouring, conversing with, and resetting the earl of Argyle, a forfeited traitor, so declared in May and June last; he confesseth, that he had joined in arms in the late rebellion, with his father the late earl of Argyle, and conversed and intercommuned with him in the terms mentioned in his dittay, and comes in will, and begs his majesty's mercy. The lords ordain him to be executed as a traitor, and demeaned, and undergo the pains of treason at such a time and place as the lords shall think fit, and his name, fame, and memory to be extinct, as in common form." The managers thus endeavour to leave a blot upon the children and relations of this noble family, when for shame's cause they could not embrue their hands in the blood of those youths.

September 11th, the council order the advocate to process before the justices, Sir Duncan Campbell of Auchinbreck, Campbell of Barbreck, and Campbell of Knap, and all other persons, who, they were informed, were with the late earl of Argyle; and witnesses are previously to be examined, conform to the king's letter. And September 18th, in a letter to the secretary, the council signify, that by a mistake Ellangreg had been recommended for a remission as to life and fortune, whereas they never recommend any for a remission but as to life.

This is all offers to me this year of the criminal prosecutions, and upon the account of the earl of Argyle's attempt. In the beginning of the next year, we shall meet with great numbers more processed, mostly

in absence, before the justiciary, that their estates might fall into the hands of the managers.

SECT. XL.

Of the sufferings and hardships endured by the prisoners sent to Dunnotter, May this year, with some further view of the severities exercised through the country, during the sitting of parliament, and after the earl of Argyle's attempt.

HAVING been diverted a little from my principal view, by the remarkable incident of the unsuccessful attempt made for recovering our liberty, I return again to the sufferings and hardships exercised through the country, and shall enlarge a little upon the extraordinary cruelty exercised upon the prisoners sent to the castle of Dunnotter in May, and go through some other acts of severity against presbyterians this year.

During the sitting of parliament, a good many of the persons who were the springs of the sufferings through the country, were at Edinburgh, and so we shall meet with less trouble through the west and south than, considering what passed in the former years, one would expect. Indeed the ravages of the soldiers up and down, upon the first rumours of Argyle's landing, were very dreadful; some of them have been hinted at, and a detail of them would be endless. Every body who did not entirely conform to the church establishment, all who did not heartily fall in with the oaths and impositions now a going; yea, the very friends and acquaintances of such who were banished, forfeited, or upon their hiding, though they did conform, yea, the moderate part of the conformists themselves, were fearfully harassed. Parties of soldiers were continually marching through the west and south, a good number of them traversed the hills of Carsphairn, and all that country round, perfectly spoiling it as it had been an enemy's country. Claverhouse came through Nithsdale in the same manner, and towards the water of Ken. All they met with were forced to take what oaths they were pleased to frame. And after Argyle's defeat, lieutenant Livingstone continued a

good space in the Newton of Gallo-
way, and brought the country under 1685.
the greatest hardships, by searchings and otherwise; and many were the wonderful escapes and deliverances the suffering people met with. As the regular forces harassed the country, so did the militia, which, as we have heard, were called out under the prospect of Argyle's attempt; and upon the alarm of his coming to Orkney, circular letters were written through the shires by the sheriffs, and officers of the militia, to the heritors, to meet them at their particular places of rendezvous. An original order, now before me, is direct to the laird of Duddingston, from the sheriff-depute, which, being short, I insert here, as being no doubt the common form. "Sir, I desire you to meet the earl of Linlithgow at Kincavel-muir, the 14th current, with arms, on horseback, with twenty days' provisions, by ten hours in the forenoon, as you will be answerable to the lords of privy council on your peril. Given by order of the said earl, by, Sir, your servant, Charles Stuart." Both militia and army committed many ravages. Particulars I cannot enter on. Many other sore oppressions were made on particular persons, by such as had council and justiciary powers. I shall only give one instance.

James Forsyth in the parish of Lochmaben, or near by, had been brought to great trouble for not hearing the curate, who had either gone very near to pronounce, or actually had pronounced against him the sentence of excommunication. At length he was apprehended, but found means to get out of their hands. Not appearing before the last court in February, he was denounced, and forced to lurk; and wanderers being upon every turn in hazard of their lives, he went into England, where he was seized, and sent down prisoner to Sir James Johnston of Wester-raw, May 13th, this year. Wester-raw indeed offered to let him go, if, with uplifted hands, he would swear and say, 'God bless king James the VII.' When James asked him what he meant by blessing the king, for his part he wished him well, and that all spiritual blessings might be upon him; the other answered, he meant, 'That he should own him as his lawful king, and that he should pray, Long

1685. may he live, and well may he prosper in all his actings and proceedings." This, James said, he could not do, since he was a violent persecutor of God's people, and a papist. In a little time he was examined by Claverhouse and the foresaid gentleman, and threatened with present death; but providence restrained them, and he was sent prisoner to Edinburgh, and thence to Burntisland. His wife having come to see him, they sent her prisoner with him, though they had nothing to charge her with, and she was big with child. They were both sent, with others whom I shall presently account for, to Dunnottar; there his wife fell into her pangs. The keepers were desired to let her go to a private house to be delivered, but the barbarous governor would not allow this; so she was delivered in prison, and by ill management, and want of ordinary accommodation, she died in a little time.

This brings me to the hardships and severities, wherewith the prisoners who were sent to Dunnottar castle were exercised. I shall give the reader as short and distinct an account of this piece of hard treatment of the sufferers, as my materials afford me, mostly from the papers of Mr John Frazer, minister at Alness, in the presbytery of Dingwall, now with the Lord, who was one of them; and the distinct narratives the forementioned Quintin Dick and Mr William M'Millan have left, with some other papers by me.

It may not be improper to bring in here a short account of the preceding sufferings of the reverend Mr Frazer, and they will hand me down to Dunnottar sufferings. This excellent and worthy person had gone up to London, about the end of the year 1678, or beginning of 1679, for his safety and improvement; and there he waited closely upon the meetings of the dissenters, until they were much borne down in the years 1683 and 1684, and the ministers and hearers haled to prisons; and informers at London turned very common, being encouraged by their share in the twenty pounds sterling every landlord of the house where a conventicle was kept, was amerced in, besides the fines of the preacher and hearers. Mr Frazer in his account says, it was

in the end of 1684, there was a meeting in Foster-lane near Guildhall, London, where most of them were Scotsmen, and Mr Alexander Shiels preached to them. At this meeting Mr Frazer was taken. Mr Shiels had not proceeded far in his lecture, when they were disturbed by a party of soldiers, who apprehended Mr Shiels and most part of the hearers. They were all brought to Guildhall, where bail was taken for their appearance at the lord mayor's court next Tuesday, where the city recorder insisted, that special notice should be taken of those criminals, because mostly Scotsmen, and more than ordinarily seditious and rebellious against the king's majesty and his laws. The most part were dismissed upon payment of their fines, and ten or twelve were committed to Newgate, and put into a common nasty room, near the vilest of malefactors. Sir Andrew Forrester, under-secretary for Scotland, was ordered to examine them in Newgate, and the issue was a resolution to send them prisoners to Scotland, to be tried there according to the laws of the kingdom. And about the beginning of March, they were sent down in the kitchen yacht. They were manacled two and two as the greatest malefactors, and this way passed through the streets to their vessel, and when brought up from Leith to Edinburgh, they were examined by the council upon the ordinary ensnaring questions, and, not giving entire satisfaction, all of them, save Mr Shiels, were sent to Dunnottar.

The occasion of Mr Frazer, the rest of the London prisoners, and multitudes with them, their being sent north, was this. The account of Argyle's invasion turned hot towards the beginning of May, and the managers at Edinburgh were alarmed with his being at Orkney, and coming about to the west; and fearing the earl's landing, and not knowing what the consequences might be, very suddenly it was resolved, that all the prisoners for religion, especially those from the south and west, should be sent to Dunnottar castle. Accordingly Mr John Frazer, Mr William M'Millan, Quintin Dick, with William Niven, and many others in Edinburgh and the Canongate tolbooths, were, to their great surprise, on

the 18th of May taken out of their prisons, about three hours before sun-set, without suffering them to know what was to be done with them, that such of them as could, might have prepared some way for such a journey, and carried out of town under a strong guard, and delivered at the Netherbow to Douglas' regiment, who guarded them down to Leith. There they were shut up so close in the court of guard, that their nearest relations and acquaintances were not so much as permitted to speak with them. From thence, with the prisoners at Leith, making in all above two hundred, they were carried down to the shore, and put into open boats, and hurried off the shore, without allowing them to receive any necessaries from their friends and relations, whereof good numbers were waiting on to take their leave of them, never expecting to see them again. Next morning about break of day they were landed at Burntisland. There about twelve score of them were crowded in two rooms in the tolbooth, where, through the straitness of the rooms, and multitude of the prisoners, their miseries seemed to be but beginning, for as much as they had suffered. And Mr Dick remarks, that it was a wonder to themselves how such a multitude could subsist for two days and two nights, when they were denied liberty separately to ease nature, and had nothing allowed for their subsistence; yea, a good many of them were not permitted to have bread and water for their money. When thus pent up at Burntisland, one came over from the council, with orders to bring back to Edinburgh as many of them as would immediately swear the oath of allegiance, with the supremacy in it. About forty, through the extremity of their misery and hardships, complied; the rest owned their allegiance, but stuck at swearing it with the supremacy. At Burntisland, after two days, they were committed to the militia of Fife; and most of them had their hands tied behind their back with cords. Through their hard usage at Burntisland, some of them were fallen under rheumatisms, and other distempers, which made travelling a foot very uneasy, and would have hired horses with

their own money, but this was not allowed. The prisoners were carried 1685. a foot, generally speaking, through by-paths, that the well disposed persons in Fife, who came with necessaries to the prisoners, might be disappointed, as many were; and some who came were beat off by the guard, and nothing was allowed to be given them. That night they were brought to a small village near Falkland, called Freuchie, and from thence next day they came to the water-side of Tay; their accommodation at both these places was very sorry. Upon the south-side of Tay, the tide not answering them, about nine or ten score were crowded into three little rooms most incommodiously, till about break of day, when the tide made, and then they were ferried over to Dundee, and about sun-rising, put into the tolbooth there, where they continued till about eleven of the clock, and were allowed refreshments for their money. From thence they were brought to a muir a mile beyond Dundee, and delivered to the earl of Strathmore's regiment and the militia of Angus, and marched, man by man, betwixt two of the militia, till they were brought to Forfar, where they were again crowded into the tolbooth, to the great prejudice of their health. From Forfar they were brought to Brechin, and rested a while in the open fields near by, and had some refreshments allowed them for their money, which was now reckoned a great favour. From thence at night they were brought to the north-water, or North-Esk bridge; and there they were all of them set upon the bridge, and the soldiers kept strict guard at both ends of it. In this posture they were kept, exposed to wind and weather all night, without meat or drink. The night was exceeding cold and stormy, and many of them by this time weary and faint; yet they behaved to stand and lie as they best might upon the cold bridge, till three or four in the morning; and that day, May 24th, being the Lords' day, they were carried to their resting place at Dunnottar. Some few found means to get off by the road, and they were; when they entered Dunnottar, in all eight score and seven persons.

At Dunnottar, they were received by

1685. George Keith of White-ridge, sheriff-depute of the Mearns. This large company was thrust into a dark vault under ground, one of the most uncomfortable places poor people could be in. It was full of mire, ankle deep, and had but one window towards the sea. So throng were they in it, that they could not sit without leaning one upon another. They had not the least accommodation for sitting, leaning, or lying, and were perfectly stifled for want of air. They had no access to ease nature, and many of them were faint and sickly. Indeed all their lives were in great danger. In this miserable vault about a hundred of them were pent up all this summer; and it was a miracle of mercy they were not all killed. The barbarities of their keepers and the soldiers are beyond expression. The prisoners had nothing allowed them but what was paid for, and money was paid for cold water. And when the soldiers brought in barrels of water, and had sold it out in parcels to them till they began to weary of it, they would pour it into the vault to incommode them the more. Considerable numbers of them died, and no wonder, through such hardships; and it was boasted off as an undeserved favour by the soldiers, that they received the dead corps, and disposed of them as they pleased, for none of their fellow-prisoners were allowed to see them interred; it was too great a favour to allow them so much of the free air.

When the whole number had continued for some days in the great vault, the governor was pleased to remove about forty of the men to another small vault, which being narrow and low, they were not much less straitened than in the great vault; and they were in hazard to be stifled, there being no air nor light there, but what came in by a very small slit or chink. The walls, it seems, were a little decayed, and some little air came in at the bottom of the vault; and they used one by one to lie down on their belly on the bottom of the vault, that they might have some of the fresh air. By this means, some of them, particularly the reverend Mr Frazer, contracted a violent cold and dysentery. After some time spent in this melancholy posture, the governor's lady came in to see the prisoners in the two

vaults, and prevailed with her husband to make them a little more easy. Twelve of the men were removed from the forty to a better place, where they had room and air enough, and the women were removed from the large vault, and put into two several rooms. This was indeed a great kindness, but they had abundance of hardships remaining.

Somewhat has been already hinted as to their strait for meat and drink; nothing was allowed them but what they bought, and the governor made even a monopoly of this. When the country people about were bringing in provisions to the prisoners for their money, they were stopped, and the soldiers were ordered to allow them no access; and one of them was very roughly treated, for insisting to get in to the prisoners with what he had to sell. The reason of this was, the governor's brother, who lived at Stone-hive, not far from Dunnotter, resolved to have any money the prisoners had, and none was suffered to provide for them but he.

Such who were in the great vault were in the greatest misery, and not a few of them died. It was no great wonder that under such grievous hardships they essayed all innocent methods for their own safety. In order to this, they endeavoured, and got at length out by the window in the vault, which was just over the sea, one night, and crept along a most dangerous rock, to the utmost hazard of their lives; and indeed it was one to ten, that they were not either crushed by their fall, or drowned in the sea. Some twenty-five of them escaped before the alarm was given to the guard, by some women who were washing near the rock, and the rest were stopped. Upon the alarm, the outer gates were shut, and the hue and the cry raised, and all possible means used to retake them. Fifteen of them were apprehended, and it was a wonder all of them were not caught, being so weak that they were not able to flee far, and the country round about being disaffected to them and their way. Such as were seized were most barbarously used. I have the accounts of this mostly from the foresaid William Niven, who was one of those who were retaken. Not only were they most inhumanely beat

and bruised when apprehended, but, when brought back to their prison, they were put in the guard-house, bound and laid on their backs on the floor, and most dreadfully tormented. In three different parts of the room they were tortured. The said William, with Peter Russel, and Alexander Dalgleish in Kilbride, were laid upon their backs upon a form, and their hands bound down to the foot of the form, and a fiery match put betwixt every finger of both hands, and six soldiers waiting on by turns, one after another, to blow the match, and keep it equal with their fingers. This was continued for three hours without intermission, by the governor's order, merely for the fault of essaying to escape at the hazard of their lives. By this treatment William Niven lost one of the fingers of his left hand. Alexander Dalgleish died of the pain, and the wounds he got, and an inflammation rising thereupon; and several others had their fingers burnt, and the very bone turned to ashes, and some, besides the last mentioned, died of this torture. Some accounts of those barbarities were sent into Edinburgh, and methods taken to lay them before the council. By the influence of some there, not altogether so merciless as others, orders were sent to the governor to treat the prisoners with a little more humanity, and to accommodate them with some better rooms.

Since the writing of what is above, I find in the council-registers, a petition presented to the council, in favours of the prisoners at Dunnottar, which, as containing nothing but what the petitioners were ready to vouch, and consequently being one of the best accounts of the hardships used toward the prisoners, I insert here, with the council's act thereupon. "Anent a petition presented by Grizel Cairns and Alison Johnston, in behalf of Mr William M'Millan, and Robert Young, wright in Edinburgh, their husbands, and the rest of the prisoners in the castle of Dunnottar, showing, that the petitioners' said husbands, who are under no sentence, with many others, having been sent prisoners to the said castle, they are in a most lamentable condition, there being a hundred and ten of them in one vault, where there is little or no day-

light at all, and, contrary to all modesty, men and women promiscuously together, and forty-two more in another room, in the same condition, and no person allowed to come near them with meat or drink, but such meat and drink as scarce any rational creature can live upon, and yet at extraordinary rates, being twenty pennies each pint of ale, which is not worth a plack the pint, and the peck of sandy dusty meal is afforded to them at eighteen shillings per peck, and not so much as a drink of water allowed to be carried to them, whereby they are not only in a starving condition, but must inevitably incur a plague, or other fearful diseases, without the council provide a speedy remedy; and therefore humbly supplicating, that warrant might be granted to the effect underwritten. The lords of his majesty's privy council, having heard and considered the foresaid petition, do hereby continue that part of the desire, for liberty, till they consider further of the petitioners' cause; but, in the meantime, give order and warrant to the deputy-governor of the castle of Dunnottar, to suffer and permit meat and drink, and other necessaries, to be brought in to the petitioners by their friends or servants, at the ordinary easy rates, and to allow the said Mr William M'Millan and Robert Young a distinct room from the rest; and, in regard of the heat of the season of the year, that all the prisoners may be so accommodated without throng, that their health be endangered as little as possible." This no doubt enraged the governor exceedingly, and he drew up a paper, by way of declaration, in his own favours, wherein the subscribers testified they were gently treated, and wanted not conveniences since they came to Dunnottar; a very few, by threats and promises, were prevailed upon to sign it, but the rest peremptorily refused it, which further enraged the governor, and they were yet more hardly dealt with.

By the council-registers, I find, July 13th, the earls of Errol and Kintore, or any of them, are appointed to go to Dunnottar, and examine the prisoners, and notice who of them are content to take the test, who will take the allegiance with the supremacy,

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1685. or the allegiance simply, or who will engage to live regularly, and keep their parish kirk, and appear when called. Accordingly, about the middle of July, the earls of Marishal and Kintore came to Dunnottar. This was their way now: after they hoped that poor people's patience was worn out, they came with new offers, and temptations to quit their principles. The questions proposed to the prisoners were, "Whether they owned the king as their lawful sovereign, and would subject to his authority, and to all in authority under him; whether they would pray for the king; whether they disowned the apologetical declaration; whether, upon oath, they were ready to assert, that it was unlawful, upon any pretext whatsoever, particularly that of the covenant, to rise in arms against the king, or any employed by him." A considerable number of them gave some reasonable satisfaction, in several of those questions; but all refused the oath of allegiance, as embodied with the supremacy.

I do not observe any report from these appointed, in the council-books; but, toward the end of July, the prisoners are brought south, and the council, July 24th, "empower the earls of Marishal, Errol, Kintore, Panmure, and the lord president of the session, to call before them the prisoners in Dunnottar castle, and banish such of them as take not the oaths of allegiance and abjuration, whether men or women, not already banished, and deliver them, with such as are already banished, to such as the council shall grant warrant, to be transported to his majesty's plantations, with certification, that such as shall return to the kingdom, shall incur the pain of death." Accordingly, great numbers of them were banished, as we have seen upon the fourth section: and, July 26th, probably upon the report of the counsellors last named, "John Hamilton in Millholm, John Orr in Lochwinnoch, David Fergusson in Bridge-end of Glasgow, Alexander Small in Evandale, Matthew Loudon in Strathaven, Robert Semple in Lochwinnoch, John Orr there, Gavin Sempill in Evandale, John Steel there, George Brown, servant to the lady Argyle, William Brown in Evandale, John Reid in Kilbride, John Marshall in Glasgow,

prisoners, having taken the allegiance, are liberate, under bond of five thousand merks each, to compear when called." Whether all these were from Dunnottar, I cannot say, but I know most of them were there; and, July 30th, "the council resolve to meet themselves at Leith, and sentence the remaining prisoners from Dunnottar, by banishment, detaining or liberating as they find cause." Most part of them were given to Pitlochry.

This is the shortest account I could gather up of the remarkable sufferings of these prisoners. I have some of their letters before me, full of seriousness and resignation; and after I had written this, there is come to my hand a large account of the sufferings of Euphram Threpland, spouse to George Macbirnie merchant in Dumfries, who was one of the prisoners at Dunnottar. It contains a very particular and pointed relation of her sufferings since her husband's death, and particularly at Dunnottar, in some sheets of paper; and, in this place, I shall bring in a short abstract of it, since this work is growing so much upon my hand, and the rather, that it lets us into some more particulars of Dunnottar sufferings.

Mr Macbirnie, who could never be charged with any thing of real disloyalty, after he had been tossed since Middleton's parliament, with finings, confinings, wanderings, and imprisonments, contracted a sickness whereof he died, 1681. His afflicted widow was sorely persecuted for mere nonconformity and refusing the oaths imposed, and was forced to flee and wander from one place to another, for the space of one year. During this, some of her small children, who were not in case to be transported, were frequently frightened by the sheriff-officers searching her house. She returning, and taking them to another private retirement in Dumfries, the sheriff-depute getting notice of this, with one of the bailies, came and broke open the doors, hurt and frightened the children, (some of whom, for fear, crept under a bed) and carried the mother away to prison. To-morrow he brought her before his court, and, because she would not swear how many conventicles she had been present at, give up the names of the ministers, and promise

to hear the curates, he fined her in a sum she was unable to pay, and arrested all she had a right to, and her household plenishing, so that she had not so much as linens to change herself and children. In this strait, she sought a loan from him of what was her own, during his pleasure, and was forced to give bond and caution, to make all forthcoming to him. Meanwhile, the officers took and sold what of her goods they saw fit, because, as they said, the sheriff-depute had not paid them for their service. This, and two years and a half's imprisonment, disabled her from making her goods forthcoming. We shall just now hear, that she was sent to Dunnotter, where she continued three months, and thereafter nine weeks at Leith in prison; during all which time, upon every occasion, she still declared, that it was neither contempt of authority, nor prejudice at any man's person, was the cause of her non-conformity, but real scruples of conscience. During her imprisonment at Dumfries, her family was frequently quartered upon; and when any disorder happened among the soldiers, they would put them in the chamber where she was prisoner, she having no other company with her, night and day, but them, and some of her own children. She was called before colonel Douglas, Queensberry's brother, and, upon refusing some oath he put to her, she had an indictment given her, and was laid in the thieves-hole for a fortnight, where she had no company but a poor demented man, and a woman suspected of murder. After this she was brought before colonel Douglas, Lagg, Earlshall, Claverhouse, and an assize. The judges proposed many questions to her upon assassinations and murder. She declared she was neither author, approver, nor actor of any such practices, and regretted that she should be suspected of any such things, having been so long in prison: and desired her widowhood, and the case of her poor children, might be considered, and her vast losses by her long imprisonment. The colonel said she could not be but guilty of all that could be laid to the charge of any, though she had carried so as nothing could be proven; and urged her to give bond of five thousand merks, to

depart the kingdom by the 20th of May; and not being able to do this, 1685. she was committed to prison for two months, though nothing could be proven against her.

About the 5th of May, a party of soldiers came into Dumfries, to carry away the prisoners there, about twenty-nine in number; some of them aged persons, some women with child, and a cripple, who was forced to walk forty miles on his crutches, till he got a country horse. At this time, Mrs Macbirnie was confined to her bed, and rendered secure by some promises made her. However, when all the rest of the prisoners were delivered to the guard, a corporal came to her, acquainting her, she behoved also to go with them. She told him, she was not able to travel, and had made no provision, and was no way accommodated for such a journey. He insisted, and two town-officers came from the bailies, as they said, to help her down stairs, for indeed she was not able to walk. Accordingly, she was instantly carried away, and not being able to travel, was set behind one of the dragoons, and carried into Edinburgh, and then down to Leith, where, without being permitted to refresh themselves, they were straight hurried into a boat, and carried over to Burntisland. There they found the rest of the prisoners on their way, as we have heard, to Dunnotter, and I shall now only remark some passages not hinted at in the former account. The laird of Gosford was sent over by the council, and after some of the prisoners had taken the oaths then imposed, the rest were committed to the Fife militia. Lieutenant Beaton of Kilrinnie was very rude, and beat some of the old women among them, when not able to walk so fast as he would have them, thrusting them forward, and crying to the soldiers to thrust their pikes in them, for they were feigning themselves, calling them old bawds and witches, wishing the devil to take them and their religion. In their journey, when thrust into houses and tolbooths, they were so throng, that they were almost suffocated, and several of the women fainted. By the way the pipers derided them with their foolish songs. When they came into Dun-

notter, they were put very hard to 1685. it for thirst, and entreated the soldiers to draw them some water from a well in the closs, or permit them to do it. The soldiers drew them a barrel of water, and when they, unwilling to use them to this custom of selling water, refused them money for each draught of it, the soldiers poured it in among them in the vault where they were, which very much incommoded them. The more earnest entreaties they used, and letters of recommendation they got, to George Keith their governor, the more severe and hard he grew upon them. He absolutely refused to permit the country people to help them with bed-clothes, neither would he supply the poor among them with meal, as the council, they were informed, had appointed. He forced them to buy all their provision from a relation of his, who furnished them with what was very insufficient. They were sadly disturbed by the sentinels when at worship. At length, when several of the prisoners were dead, through this harsh dealing, and many of them sick, and all of them in a very loathsome condition, for want of change of clothes, the governor, for fear of an infection, separated some of them from the great vault, and put them in different rooms, some of them in other vaults, without air or light, others to ruinous high chambers, where the windows were all open, and no fence against wind or rain; and they were not so much as allowed to light a candle, to look after the sick and dying in the night time. Several of their friends, who came to visit them, were made prisoners, and sent with them to the plantations; and when the council ordered them back to Leith, they were flightered and bound in twos and threes with cords. At Leith, about eighty of them were ordered, by a committee of council, to the plantations. Mrs Macbirnie escaped transportation, by a mistake of her name in the clerk, and continued a good while in Leith tolbooth, and at length was liberate on bond to compear when called. However, the sheriff-depute kept possession of her goods, and threatened her person if she returned to Dumfries, arrested the rent of her houses, and in collusion with a gentleman

who pretended a right to a small interest belonging to her, past a decret of removing in his favours, without summoning her or her fatherless children, and she knew nothing of it, being at Edinburgh, till the other was in possession.*

Having thus given some view of the sufferings of those good people sent to Dunnotter, I come now to glean up some other severities used up and down the country this summer; and I shall be very short upon them, for instances are endless, and by this time in some measure needless.

Upon the 6th of June, Claverhouse, with a great body of militia, and some soldiers, came down the water of Nith, and in the

* In the churchyard of Dunnotter, a tombstone is erected, to the memory of those who died when confined in the castle, upon which is the following inscription: "Here lyes John Scott, James Aitchison, James Russel, and William Brown, and one whose name we have not gotten; and two women whose names also we know not; and two who perished coming doune the rock, one whose name was James Watson, the other not known, who all died prisoners in Dunnotter castle, Anno 1685, for their adherence to the word of God, and Scotland's covenanted work of Reformation. Rev. 11th chap. 12th verse." Dunnotter castle, from its situation, extent, and magnificence, forms one of the most majestic ruins in Scotland. It was built, during the contest between the parties of Bruce and Balliol, by an ancestor of the Marischal family. Before the use of artillery it was deemed impregnable; and this may have been the reason why the Regalia of Scotland (now in the castle of Edinburgh) were deposited here in 1641, to preserve them from the English army. They were preserved safe under the care of George Ogilvie of Barras, the depute-governor, till 1651, when the castle was closely besieged by general Lambert. Mrs Granger, wife of the minister of the neighbouring parish of Kinneff, having got permission to visit the governor's lady, contrived, with the assistance of her maid-servant, to bring away the Regalia with the knowledge and consent of Mr Ogilvie; and they were preserved safe sometime in the manse, at other times under the pulpit of the church, till 1660, when they were delivered to Mr Ogilvie, who restored them to the government. For this service Mr Ogilvie was created a baronet; and Sir John Keith, brother to the earl Marischal, was made earl of Kintore; but honest Mr Granger and his wife had neither honour nor reward. The council indeed voted Mrs G. 2000 merks Scots, but it does not appear to have been ever paid. The place where the prisoners were cruelly confined, is still pointed out, and it goes by the name of the "Whig's vault." A list of the names of the prisoners is kept in the sheriff-court office of the county. The whole tragedy reminds us of the scene of the Black Hole at Calcutta.—Ed.

parish of Kirkcannel, and on both sides of the water, he apprehended multitudes both men and women; they were mostly remitted to the officers of the militia, and they caused many to swear never to lift arms against king James VII. under pretext of religion; and with others they went further, and obliged them to swear, that if they were taken by a contrary party, they should use all endeavours by night or day, even to the hazard of their lives, to leave them, and inform the commanders of the king's forces, or the next magistrate, of the numbers and strength of these on the other side. This imposition of oaths, in so arbitrary a manner, hath been once and again observed as one of the unaccountable burdens of this period. However, such as would not presently swear whatever was put to them, the forces and militia carried them about with them prisoners, wherever they went, binding them together in twos and threes, to their great hurt in their business and bodies; and Claverhouse and others would mock them, telling them, they would not weary to run from hill to hill to hear sermons, and direct the rebels. Horrid and blasphemous were some of the expressions used by the profane soldiers, which lie before me, but I shall not pollute my paper nor the reader's eyes with them.

This same month, Gilbert Macadam, son-in-law to the forementioned James Dun in Bluewhat, in the parish of Dalmellington, was murdered, which I might have noticed upon the sixth section. In the year 1682, he was taken prisoner, and carried into Dumfries. His crime was mere nonconformity. His father-in-law went in and gave caution to produce him when called, under four hundred pounds penalty, which was, upon his nonappearance, exacted. In a little time Gilbert was taken again, and carried in prisoner to Glasgow, where, refusing the oath of allegiance with the supremacy, he was banished to the plantations, and went off in captain Gibson's ship. His father gave him twenty pounds sterling with him, and by this he bought his freedom in America, and returned back this year; and upon a Saturday's night, in the house of one Hugh Campbell, near the place of Kirkmichael, being with

some of his friends at a meeting for prayer, a company of militia, 1685, under the command of Colzean, surrounded the house. Gilbert was most obnoxious, had he been taken, and essayed to escape: the soldiers perceiving him, discharged their pieces, and killed him. He had really bought his freedom, and was convict of no crime since. He was a person of shining piety.

James Brown in the parish of Coulter, was very barbarously treated, about the middle of June this year, of which I have before me an attested account. When fishing, he was discovered by Claverhouse when ranging up and down the country, and apprehended. A powder-horn was found upon him, and that was fault enough. Claverhouse declared he was a knave, and must die. Accordingly, six of the dragoons dismounted, and he is set down before them to be shot. By the intercession of the laird of Coulterallers, providentially present with Claverhouse, his execution was delayed till next day, and James carried away by the soldiers to the English border, and from thence to the tolbooth of Selkirk, being all the while bound with cords. After some time's imprisonment there, he happily escaped.

Upon the 13th of June, I find two regiments of soldiers come into New Galloway, and dividing themselves to different places, they quite ravaged the country, without any pretended crime. They destroyed vast and almost incredible numbers of sheep and black cattle belonging to such who were alleged not to conform, and people that were related to them.

This summer Claverhouse, in his march from Galloway to Ayr, assembled all the men in the little town of Dalmellington, and near by, and obliged them by oath to renounce the covenants, and purge themselves of reset and converse with rebels. New and ensnaring oaths were never wanting upon every new turn this year. George Macadam, merchant there, and another of the same name, with Thomas Sloss, refusing to swear, were carried prisoners to Edinburgh, and detained there a long time.

About this time, the whole army came

1685. to the west country, and the abuses and ravages committed by them in going through the country, and where they stayed any time, cannot be calculated; but the reader will be in case to make some estimate, from a distinct account I have from living witnesses in the last named small parish.

The whole forces under the earl of Dumbarton, together with the Lothian militia, in all about six thousand men, encamped about three weeks in the corn and meadow grounds, about the little village of Dalmellington. My lord Stair and Cesnock's lands were appointed for free quarter, and indeed entirely plundered by the soldiers, and the whole parish fell under the common calamity. Any rooms or farms possessed by any of the relations of the wanderers and sufferers, were abused in a particular manner. That the reader may have some view of the miserable state of things under this oppression, I shall point at a few particulars. The following troops were sent to the following rooms, fourteen days upon each, at free quarter. A troop consisting of sixty horse and men, in the Nether-laicht, possessed by James Dunn. Another troop was quartered upon the Dunaskies, possessed by two tenants, Ronald Rob, and Anthony Bixart. A troop upon Minivoy, possessed by William Macadam; and fifteen horse and men were quartered upon John Paterson in Pennyveinie. The reader needs not my help to compute what oppression this was to those honest people. That very first night the army encamped there, were brought into the camp from Bluehat, five score of nolt, fifteen score of sheep, as is attested by John Macadam and John Davidson, herds there, yet living. These were all quickly consumed, and nothing ever was paid for them. William Hoitson of Beubeoch, sustained the loss of eighteen score and fourteen old sheep, nine score of lambs, and fifteen nolt, besides all his household plenishing, with two bolls of bear, and five of meal, which he is ready yet to verify, and severals of his neighbours yet alive. William Hoitson was never convict of the least irregularity, and no crime against the government could so much as be alleged; only he was married to James Dick, tacksman of the ground, his

daughter, and he was a nonconformist. Besides all this, and much more, which cannot be calculated at this distance, the inhabitants of the town lost much, by the seizing of their household-furniture, and every thing in the way for the use of the camp, and by a general plunder when the army removed. This may give us a view of the oppression of this army. Had materials come to my hand as distinctly from the rest of the country, as from this parish, what a black view might we have had! In short, great and unspeakable were the hardships the west and south were brought under this summer, after the defeat of the attempt made by Argyle, though the earl had no assistance from this country. The army were triumphing in their success, and kept no bounds in what they did.

In July this year, William Marshall, smith in Glasgow, was apprehended in Evandale, when going to hear a sermon, as was pretended, merely because he wanted a pass, and straightway carried in prisoner to Edinburgh, and in August was banished to the plantations, without being convict of any crime but nonconformity.

I shall end this section with an account of a very exorbitant fine. In September this year, when executions were very much over, the old trade of fines for conventicles was revived. There is before me an original letter from a sheriff-clerk, to a gentleman, dated this month: the direction is torn off, but I have ground to think it is some gentleman in Stirlingshire or Fife, of whose circumstances I cannot judge; but the sum is evidently exorbitant, and lets us see at what rate fines were now accumulated for irregularities, to the ruin of gentlemen's estates. The letter follows.

"Honoured Sir,

"I love not well to be the first author of ill news, but I find myself concerned to give you an account, that the sheriff hath this day signed a decret against you and your lady, for a great and prodigious sum, for house-conventicles, and withdrawing from the church these many years. It comes near to sixty thousand pounds Scots. I shall forbear extracting till the 29th instant, when the sheriff will be here. My lord Balcarras is to be here on Thursday next; so it is fit you bestir yourself to see what may be

done to stop it. I have done all I can for you, but in vain. Sir, I am,

"Your humble servant,

"Al. Napre."

A. S. September 22d, 1685.

SECT. XII.

Of the hardships of the prisoners transported to America, with Pitlochy, in September, particularly those of the laird of Barmagechan.

HAVING in the former section given the history of the sufferings of these good people who were taken to Dunnottar this summer, I am now to follow a good many of them to America.

Argyle's invasion being now over, and no more fears from that air, the council began to weary of the prisoners at Dunnottar, and brought them back to Leith, as we have seen, where another essay was made to bring them to comply with the impositions now put on people in their circumstances; and upon their refusal, they resolved to send good numbers of them to the plantations, and so rid themselves of any more trouble about them. Accordingly, after near three months' severe treatment at Dunnottar, they come to Leith, two of them were left behind as dying men, of which Quintin Dick, so frequently mentioned, was one, and in his remarks formerly cited, he hath some sweet observations upon providence timing his sickness at this juncture. He recovered in some time, and was overlooked, and got safe home to his own house, and lived some years to reflect with pleasure, and record the Lord's wonderful steps of kindness to him, and his goodness under, and after all those sore troubles he underwent. Not a few who were in the great vault were sick, and allowed horses upon their own charges. The Reverend Mr Frazer was very infirm and weak, and yet the captain by no means would permit him to have the benefit of a hired horse, as several others had. The foot had sixty-six miles to travel, and their hands tied behind their back with small cords. From Dunnottar they were carried to Montrose tolbooth the first night, from thence to Arbroath, from thence to Dundee, from thence, upon the Sabbath, to the Cowpar of Fife, from thence to Burntisland, and thence to Leith.

The council were pleased to come down to Leith, and sit in the tol-^{1685.} booth there, and spent some time in the re-examination of the prisoners. It was but very few complied with their impositions, and they were dismissed. Others, who were very weakly, and had some friends to intercede, got off upon a bond of compearance when called, as Mr William M'Millan, who gave bond as above, under the penalty of five thousand merks. The most part of them refusing the oaths, and to satisfy in other particulars, were perpetually banished to America, and many of them were gifted to the laird of Pitlochy, to be carried thither. William Hannah, formerly mentioned, in the parish of Turnergarth, when brought before the lords, and refusing the oath of allegiance with the supremacy, was threatened with banishment. He told them, that he was now too old to work, or go to war, and he reckoned he would be useless there. Old general Dalziel took him up very bitterly, and replied, he was not too old then to be hanged, and he would hang well enough. That same day, as my information bears, August 22d, the general died suddenly, and William's age and sickness prevented his being carried away with the rest. In a few weeks he fell very ill in prison, and appearing to be in a dying condition, he was liberate, and got home, after very hard sufferings for three years and more.

The names of as many as are come to my hand, who were banished, shall be insert just now. Let me only remark, that such who had not to pay their freight, were gifted to George Scot laird of Pitlochy, who freighted a Newcastle ship, Richard Hutton master, bound for New-Jersey; and all the persons now banished were committed to his care. I cannot give an account of all the names of such as were banished with Pitlochy; the reader hath not a few of them above, section 4th. Several of their testimonies and letters they wrote to their friends toward the end of August are before me; and particularly an original letter, from about twenty-eight of them, dated Leith Road, August 28th, 1685, directed to their friends, too long to be here insert. In short they signify, "That now being to leave their own native and covenanted land

1685. by an unjust sentence of banishment, for owning truth, and holding by duty, and studying to keep by their covenant engagements and baptismal vows, whereby they stand obliged to resist, and testify against all that is contrary to the word of God and their covenants; and that their sentence of banishment ran chiefly because they refused the oath of allegiance, which in conscience they could not take, because in so doing, they thought they utterly declined the Lord Jesus Christ from having any power in his own house, and practically would, by taking it, say he was not King and head of his church, and over their consciences; and on the contrary, this was to take and put in his room a man whose breath is in his nostrils, yea, a man that is a sworn enemy to religion, an avowed papist, whom by our covenants we are bound to withstand, and disown, and that agreeably to the scripture, Deut. xvii. 14, 15." They go on to leave their testimony against the evils of the times, and for the preaching of the gospel in the fields and houses, and sign as follows.

"John Kincaid, George Muir, George Johnston, Robert Young, Thomas Jackson, Andrew Paterson, John Harvey, John Foord, Christopher Strang, William Spreul, Peter Russel, Robert M'Ewen, John Henderson, John Seton, John Gilfillan, Charles Honyall, James Grierson, James Forsyth, Walter M'Igne, John M'Ghie, Adam Howie, James Muirhead, Annabel Gordon, Margaret Leslie, Agnes Steven, Margaret Forrest, Jean Moffat, Annabel Jackson." Besides those I have before me letters of John Arbuckle, John M'Queen, a letter signed I. D. and K. G. and another signed Janet Symington, all of them banished at this time, with many others whose names are not come to me; we shall just now find some of them among those who died at sea in the voyage. In the same ship likewise were Mr John Frazer, and that excellent gentleman Robert M'Lellan of Barmagechan, of whom more just now, William Niven in Pollockshaws, with a good many others who had endured Dunnotter cruelties. And it is mostly from Mr Frazer and Barmagechan's account of this voyage, that I am to frame the follow-

ing narrative of it. Several others were likewise in the vessel, who retired from their native country to settle in America, as the reverend Mr Archibald Riddel, whom we had in the former part of this history, and his wife, and several of the relations of such who went over.

The prisoners lay some time in the road of Leith, before all was ready, and sailed the 5th of September. Informations before me bear, that Pitlochy tampered with some of them, particularly James Forsyth, to get money before they sailed, offering for five pounds sterling paid now, to set him at liberty as soon as they came to land. But James answered, he would give him no money to carry him out of his native land, adding he had done nothing worthy of banishment. After they had turned the land-end, the fever began to rage in the ship, especially among such who had been in the great vault of Dunnotter. Not a few of them were sick when they came aboard, and no wonder, considering the barbarous treatment they had met with; besides, much of the flesh which the captain of the ship had provided for the prisoners began to stink before they sailed out of Leith road, and in a few days it was not eatable. In a month's time the fever turned malignant, and few or none in the ship escaped it; in so much that it was usual to cast over board three or four dead bodies in one day. Most of the ship's crew, except the captain and boat-swain, died. Pitlochrie who had freighted the ship, with his excellent lady, died likewise, and so enjoyed nothing of the produce of near a hundred prisoners gifted him by the council; and near seventy persons died at sea. I have before me a list of the passengers and prisoners who died at sea. It concerns the design of this history only to record the names of the prisoners, and they are as follows; Thomas Graham, Gilbert Monorgan, John Smith, William Cunningham, John Muirhead, Thomas Jackson, Kathrine Kellie, Andrew M'Lellan, Thomas Russel, John Hodge, Thomas Gray, John Ramn, John Swinton, John Kippen, William Sprat, James Wardrope, John M'Kenman, Thomas Finlater, John Hutchison of Wardlaw, William M'Millan, Agnes Cohalh, John Kirkland."

Perhaps several of the passengers might be likewise sufferers, but able to pay their freights; but I have not set them down, for shortness. I find further in the list, Mr John Vernor and his wife, Pitlochy and his lady, and the lady Aitherny, Mrs Riddel, Mrs Eupham Rigg lady Aitherny's daughter, William Rigg, her son, Mr William Ged, and Mr William Aisdale, minister. Notwithstanding of this raging sickness, and great death, much severity was used toward the prisoners at sea, by the master of the ship and others: those under deck were not allowed to go about worship by themselves, and when they essayed it, the captain would throw down great planks of timber upon them to disturb them, and sometimes to the danger of their lives. We have heard of the badness of their provisions already.

Many were the disasters of this voyage. The ship was at the utmost hazard by the breaking up of a leak at two several times. They had several calms, and some pretty severe storms. The captain, after Pitlochy's death, began to tamper with Mr Johnston his son-in-law, who now had the disposal of the prisoners; and it was projected to carry them into Jamaica or Virginia, and the master offered to take all the prisoners there from him, and pay him in bulk. It was urged for this, that the markets were much better there for servants than at New Jersey. When they are thus treating, and near an issue, very much for the advantage of the passengers and prisoners, the wind turns straight for New Jersey, and they were forced to sail with it. There they arrived about the middle of December, after they had been about fifteen weeks at sea. At their landing many of them were sick; and Mr Frazer observes, that a worthy gentleman from the west of Scotland died among their hands as they were carrying him ashore. The same person observes, that "partly of such who voluntarily offered themselves to go abroad from the kingdom of Scotland, and partly of such who were persecuted by banishment, there were upwards of 60 died at sea, whose blood (adds he) will be found in the skirts of enemies, as really, as if they had died at

the cross and Grass-market of Edinburgh." Before the prisoners came ^{1685.} ashore, it was once intended by Mr Johnston, to whom Pitlochy had made them over, to stop their getting out of the ship, till they should all of them, under their hand, sign a voluntary declaration, as it was called, that they offered four years' service at that place. But this they would not yield unto; yea, a considerable number of them joined in a protestation against their banishment, with a large narrative of the hardships they endured during their voyage, and formerly, for conscience sake.

When the prisoners came ashore, the people who lived on the coast-side, and had not the gospel settled among them, were harsh enough to them, and showed them no kindness. A little way up the country there was a town where there was a minister settled, and the inhabitants there were very kind to them. When they had information of the prisoners' circumstances, they invited all who were able to travel, to come and live with them, and sent horses for such as were not, and entertained them that winter freely, and with much kindness. In the following spring, Mr Johnston, upon his father-in-law's gift of the prisoners, pursued them, and got them all cited before the court of that province. After hearing both sides, the governor called a jury to sit and cognosce upon the affair. They found that the pannels had not of their own accord come to that ship, nor bargained with Pitlochy for money or service, and therefore, according to the laws of the country, they were assoiled; upon which most of the prisoners retired to New England, where they were very kindly entertained, and employed according to their different stations and capacities. Pitlochy proposed to be enriched by the prisoners, and yet he and his lady died at sea in the voyage. He sold what remained of the estate to pay the freight, and much of the money remaining was spent upon the law-suit in New Jersey. Thus it appears to be but a hazardous venture to make merchandise of the suffering people of God. A good many of the passengers and prisoners died in the plantations, the rest returned to their

1685. native country at the happy revolution,—Mr Riddel, William Niven and others, and particularly the laird of Barmagechan, of whose sufferings I come now to give a more particular account from a narrative I have from his nearest relations.

Robert M'Lellan of Barmagechan, in the parish of Borg, and stewartry of Kirkcudbright, was born of parents who were presbyterian, and carefully educated in the principles of the church of Scotland. In his younger years he profited much under the ministry of that excellent person Mr Adam Kay minister at Borg. After he was forcibly removed from them, and a curate obtruded, Mr M'Lellan, with the godly and religious people in that parish, found it their duty to disown the episcopal minister, as neither called of God to the place, nor invited by them. Great was the oppression of all that country, as hath been noticed, for their faithful adherence to presbyterian ministers, and Barmagechan had his own share. In February 1666, Sir James Turner sent a party of soldiers to his house, and there they lived at discretion, till he paid the exorbitant sums of money Sir James was pleased to demand for his nonconformity. After they had eaten up what he had, and destroyed much of his plenishing, and taken away what they could not destroy, and were still coming back in parties, Mr M'Lellan was advised to go and wait upon Sir James, and seek an order for removing his soldiers. Sir James, instead of this, seized his person, and confined him in his court of guard, till he should pay his fines for nonconformity, and the cess likewise imposed at this time for maintaining the army. Here Barmagechan continued some time, till the soldiers, having no more subsistence about his house, were removed; and they were next sent to that of his mother-in-law, a worthy old gentlewoman, till she should pay her fines for nonconformity, and her share of the cess. All this time, Sir James had not let him know what sum he would take for his fine; at length, after his house and goods had been destroyed, he liquidated the fine to six hundred merks, and sent a party of horse to quarter upon him, and ordered him to pay to each of them two shilling sterling a

day, as long as they lay upon him, which was till he paid his fine. This heavy oppression put Mr M'Lellan to rise with others of his neighbours, against Sir James, and he was with that party who were defeat at Pentland; after which he fled to England, and lived privately four years. His estate was forfeited, and a friend of his compounded the forfeiture for two thousand merks, which he paid. The severities of the government slackening a little, he returned to his own house, and lived privately for some years. Yet not so privately, but the curate and others about knew he was there; and because now and then he went and heard presbyterian ministers, the soldiers were hounded out upon him, and he was sadly harassed for several years, so that he scarce had any liberty to live at his own house.

He joined again, with others in his circumstances, at Bothwell rising, after which he retired a second time into England, and was a second time forfeited, as we have heard. The violences done to his family and friends about this time, were many and inexpressible. Claverhouse came with a party to his house, and after he had seized the corns and cattle, he was going to take away all his moveables, but a composition was made, and a hundred pounds paid him. The lady Nithsdale, a bigotted papist, got a gift of his forfeiture, as likewise of many others in that country, and miserably oppressed his tenants, drove their cattle, and exacted much more than their rent. His family was thus scattered, and he upon his hiding in England, where, towards the end of the year 1684, Squire Dacres seized him, with several other Scotsmen lurking thereabout, and sent them prisoners to Dumfries. Mr M'Lellan never disowned the king's authority, as several about this time did, yet was as harshly dealt by as any of them. He was close confined in the castle of Dumfries, and laid in the irons for several days. From thence he was carried to Leith with the rest of the prisoners, and in a little time brought up to Edinburgh, and put in close prison, with fetters on his arms. Thus he continued from November till May this year, when he was sent to Dunnotter, and

had his share of the severities of that place. When they came back to Leith, he was banished to America, and three of his children went with him in Pitlochy's ship. His wife, with three other children, were left in Scotland upon the care of providence.

It pleased the Lord to preserve him and his three children in the voyage. He himself was extremely weakened by sickness, and behaved to be carried in men's arms out of the ship, when they landed. However, in a little time after he was ashore, his health returned, and he with his family set up in a plantation at Woodbridge in New-Jersey, which he purchased. In this place he had the advantage which he very much valued, of having the gospel preached to him and his family, by Mr Archibald Riddel, who stayed with him at New-bridge, having a call from the congregation there, as likewise from Long-island, where he might have had a far greater encouragement; but Mr Riddel chose Woodbridge, and it was well he did so, otherwise probably he had scarce returned to Britain, where all his losses were made up, and he and his four children were in better circumstances than he had conformed to prelacy. There Barmagechan continued from December this year till June 1689, when they had accounts of the comfortable turn of affairs in Britain; upon which he resolved to return to his native country.

Accordingly, June 1689, they sailed for England, and were favoured with excellent weather, so that they found themselves on the coast of England the second of August; but there they were taken by a French man-of-war, and carried prisoners to Nantz. From thence they were carried to Rochford, a common gaol, where there were near two hundred prisoners, English and Dutch, who were almost all sent to Thoulon. They were chained two and two by the arm, and at first, each ten pair were tied with a rope; but that was found such a hinderance in the journey, that after the second day's journey the ropes were no more used. Mr Riddel was chained to his son, a boy of ten years of age, for whom they were at the pains to make three different chains, before they got one small enough for his wrist. In this long and

wearisome journey several of the 1685. company died. When Mr M'Lellan, through weariness and age, was unable to travel, he made application to the captain of their guard, that he might be allowed the benefit of one of their carts, to help him forward some part of the way. He was answered by many lashes on the face with his whip, by which he lost the sight of one of his eyes. After six weeks' travel, they came to Thoulon, where they were not allowed a land prison, but were put into a large old ship lying upon the sea. There he continued nineteen months, and came through much sickness, and had none to look after him but his son, a boy scarce twelve years of age, who was now and then permitted to come ashore. Barmagechan and his son, with a few others, being sick, continued there, but all the rest, after a month's rest, returned the same way they came, to Rochford, and thence to Denain near St Mala, where Mr Riddel continued more than a year, in a vault of an old castle, with some hundreds of other prisoners. They lay on straw, never changed save once a month, and were oppressed with nastiness and vermin. After two and twenty months' imprisonment, Mr Riddel and his son were exchanged for two popish priests, whom the council of Scotland gave for them. At length there came an exchange of prisoners, and those at Thoulon were liberated; but the French king would not allow them to come back through France, but gave them a pass, and put them in a ship going to Genoa. This occasioned a new scene of difficulties to them. At Genoa, Barmagechan got into a Hamburgh vessel, bound for Cadiz in Spain, whence he came in a fleet bound for Amsterdam; but meeting with a storm on the back of Ireland, the ship he was in was forced into Bantry-bay in Ireland. There the Irish seized upon their company, stripped Mr M'Lellan of his clothes, and he continued eleven days among their hands under terrible hardships. When notice was given to the government, the ship was looked after, and the Irish obliged to bring back the prisoners, and they with the ship sailed up to Dublin. Through the inhumanities he met

1685. with among the wild Irish, his nakedness and want of necessaries, Mr M'Lellan fell very ill for some weeks at Dublin, but it pleased the Lord to recover him; and as soon as he was able, he came down to the north of Ireland, and got home safe to his own house at Barmagechan, the last day of October, 1691.

Thus, from the attested relation of this gentleman's nearest friends, I have given the reader a taste of his long and sore distress for conscience sake. He felt first the fury of the party in Scotland, who were upon the French and popish bottom, then of the French king, and last of all of the Irish papists; their methods of cruelty were much of a piece: and as the severities of the first were the inlet to the rest, so they exceeded them in their length, and some other circumstances. And after all, this excellent person had no reparation after the revolution, only he possessed his own lands again.

SECT. XIII.

Of the sufferings and deaths of which I have not the particular dates, with some other incidental things, this year, 1685, not formerly noticed.

I COME now to end this year, wherein so great abundance of matter hath offered. Some very barbarous murders, not observed in their own room, for want of their particular dates, I have referred to this place; and I shall add some other particulars, which come not so well in under the former heads. The multitudes of murders in cold blood, and other cruelties committed this year, is the occasion why I want the exact dates of several of them; yet I am not willing the reader should want any informations come to my hand, of the severities exercised; and therefore I insert them here, without any order, just as they offer. Some of them might have appositely enough come under the former sections; but I have reserved them altogether for this.

I may well begin with Andrew Macgill son to John Macgill of Aryclaioch, in the parish of Ballentree in the shire of Ayr. This young man was taken about the last of December, 1684. He was all along a

nonconformist, and it was alleged he had been at Bothwell, but there was no proof of it I can find. In a day or two after he was taken, he was executed at Ayr in the beginning of this year. I have no more about him, but, I suppose, it has been upon the account of his refusal to disown the society's paper. His father's sufferings were not small last year and this; and the reader may take a short hint of them from an attested account before me. After Bothwell, the laird of Broich came and dispossessed him of his house, and seized his moveables, which were bought back for a considerable sum. In the month of March this year, as if the execution of his eldest son a little before had not been enough, colonel Douglas came and spoiled John Macgill's house, and what the soldiers carried not away with them, they endeavoured to make altogether useless. And to complete the barbarity, the colonel caused carry out John's remaining son, Fergus (or Gilbert) Macgill, from his bed, where he was lying very ill, to shoot him before his door. What the pretext was I cannot say, my information not bearing it. When the soldiers carried him out, Fergus was so weak, that he fainted among their hands, and so, it seems, humanity prevailed for once, and they left him in his fainting fit, to be looked after by his friends. This same summer, when John had again plenished and furnished his house and room, colonel Buchan came upon him with another party of soldiers, and took away what was portable, and spoiled the rest. The colonel interrogated John, if he thought it lawful, in his opinion, to defend the preaching of the gospel by arms. This good man answered, he thought it was; and thereupon he carried him away prisoner with him, in which condition he continued some time, till, at my lord Bargeny's intercession, and upon paying an exorbitant fine to Ardmillan, he was let go.

In the same parish I find another good man, Thomas Richards in Strawbraickan, this year, brought to the gates of death, and much trouble. He was obliged to hide, for refusing the oaths now imposed, for a considerable time; at length he was surprised by a party when asleep in a house where he was hiding. Buchan's soldiers

carried him away with them to Stranraer, whither they were going, and brought him back again to Ballentree. Here his friends set upon him, and endeavoured to bring him to a compliance, but could not prevail. Then the commander of the party ordered him to be bound, and carried out to the fields, and gave order to four of his men to shoot him. When lying bound there, matters were so ordered, that his friends came thronging about him, and begged the soldiers might spare him but a little, and they hoped to prevail with him to comply. Thomas hearing this, called out to them, that their dealing with him would be altogether in vain, adding, he was not unwilling to die, especially among his friends, and even a violent death, before he made any sinful compliances. Upon this his Christian gallantry and resolution, the captain thought good to proceed no further. Thomas was taken into Glasgow, where, after a month's imprisonment, his ears were cropt, and he was, with several others, put into a ship going to Jamaica, and there sold as a slave for seven years. This he endured, with abundance of hardships. And when his time was out, and he just coming home to his native country, he sickened and died in that place. When he was carried into Glasgow, he had six good horses taken from him; many of his goats were shot, and his house plundered, without any compassion showed to his wife and four small children.

About the time when the five men were, as hath been observed, murdered at Ingliston, the heir of the estate, who was formerly forfeited, had his lands given to the laird of Stonehouse, and he not only possessed the lands, but uplifted two thousand and forty eight pounds of the lady Ingliston's portion not paid, and reduced her and her children to the greatest straits, merely for pretended converse with her sons and friends, who did not comply with the iniquity of the times.

Another instance of singular severity comes to my hand, from the parish of Penningham, this year. By order from David Graham, sheriff of Wigton, a party of the soldiers, with the sheriff-officers, came to Barn-kirk, a part of Castle Stuart's lands in that parish, and there apprehended a gentlewoman, Sarah Stuart, spouse to William

Kennedy, who, for noncompearance, had been denounced. They cut the 1685.
roof of the house, and threw it down to the ground, after they had seized and spoiled the plenishing. Then they forced the gentlewoman to go with them a foot, six miles of Galloway measure, to Wigton, bearing in her arms a child not yet three quarters old, and to leave her other three children without so much as a servant to look after them, though the eldest was but of eight, the next of five, and the other not three years of age. At Wigton she was, with her sucking child, kept in prison eleven weeks. This gentlewoman was no way obnoxious to the then laws, being a conformist with prelacy, and nothing could be said against her as to her religion and practice, only they would oblige her to swear she would never converse with her husband now put to the horn; but as soon as she knew where he was, she would discover him, and inform against him, that he might be apprehended. This she peremptorily refused. Thus the religion and government of this time was calculated to eradicate the very principles of nature; and wives this way were forced to concur in shedding the blood, or at least ruining the outward estate of their husbands, who, for conscience sake, could not comply with the impositions of this period. I see no parallel to this, unless it be that practice of some of the most wicked of the papists, who caused some children kindle the fagots wherewith their parents were burned; and indeed the same spirit inspired both.

John Wallace of Knockybae, in the parish of New Glenluce, was seized this year for refusing the abjuration. A party of colonel Buchan's men spoiled his house, and took away every thing in it that made for them; and to complete their villanies, they brought in good numbers of sheep to the church, and killed them there; and for despatch, they kindled a fire of the seats and forms of the church, at which they roasted the sheep, and otherwise readied them for themselves. I should not have set down so odd a step in Christians and protestants, had I not the attested account of it under the reverend minister of that parish his hand, which he hath from many living witnesses.

This year I find great numbers dying in

prisons, and in the road to them, and
 1685. in their banishments. The accounts of those are not so full as I could wish, yet they deserve their room here, as really sufferers unto death for conscience sake, as well as such as were shot in the fields and executed publicly. The reader may guess what numbers of those were at this time, from the accounts I am to set down of ten or twelve of this sort, from the shire of Nithsdale, and what multitudes we might have had from other places, had they been as carefully observed. James Glover, of the parish of Tinwal, was apprehended by a party of soldiers, for noncompearance and nonconformity, and in his taking he was sore mangled and wounded. He was carried into Dumfries almost in a dying condition, and from thence taken into Edinburgh, where he died in prison, an instance of their cruelty and a witness for the truth. Andrew Fergusson, in the parish of Glencairn, was apprehended by another party this year, and refusing to comply with the oaths imposed, and to answer their interrogatories, he was carried away prisoner to Glasgow, where he died in much trouble and sickness, brought on by the severities exercised upon him. John Munil had been long harassed, for his refusing to hear the curates, and fled to England; there he was seized, and sent to Dumfries, from whence he was carried into Edinburgh, where he died in prison, under much serenity and peace, owning to his last the truths for which he was persecuted. James Muncie, a burgess in Dumfries, was much harassed, because he would by no means be prevailed with to take the test; at length he was sent prisoner to Edinburgh, where he died in much comfort and satisfaction of soul, taking his sufferings to be very clearly stated, in refusing an oath so plainly contradictory. John Muirhead hath been transiently noticed already. He had been once a bailie in Dumfries, and was much persecuted upon the same score, and still persisting to refuse the test, was sent prisoner to Edinburgh, where in prison he fell in a distemper, which, though severe at first, appeared not very hazardous, but by no means would the managers allow physicians or a surgeon to be

brought; and he died at Leith for want of proper applications. James Carran, burgess of Dumfries, for his church irregularities, as they were called, and his mere nonconformity, was banished and sent to the plantations, where he died a witness for the truth in a strange land. I question not but several hundreds died in their banishment, accounts of whom cannot now be recovered. Andrew Hunter, likewise a burgess of Dumfries, was apprehended for his refusing the oaths; and though he was a very old, decrepit, and infirm man, yet he was carried to prison, and closely shut up. There he sickened very fast, and his illness turned dangerous. All he begged, was only the liberty to be carried to his own house in the town, where he would have been some better looked after. This could not be granted, and he died in the prison. John Stock, burgess in the same town, upon his refusal of the test, was sent in prisoner to Edinburgh, whence he was carried to Dunnotter, where, through want of necessities, and ill accommodation, he sickened and died, as did several others, whose names cannot now be retrieved. Elizabeth Glendonning, spouse to John Panter in Baragan, of the parish of Durisdeer, for noncompliance, and not hearing the established ministers, was imprisoned for some time and sent to Edinburgh, where she died in prison. John Renwick, a burgess in Dumfries, for noncompliance with the present impositions, was sent prisoner to Edinburgh, and banished to New-Jersey, in Pitlochy's ship, where, with multitudes of others, he died. Andrew Macleffan, a freeman in the same town, for refusing the test, was in the like manner banished his native country, and died in the same vessel. James Sittingtoun, in the parish of Dunscore, likewise died there. I formerly noticed that excellent gentlewoman Elizabeth Hunter, lady Kaitloch, who was turned out of her house, and with her small children put to the greatest hardships and straits; and at length they were forced to leave the kingdom, and go over to Holland, where, after much trouble and sickness upon her children, she died this year.

Besides those deaths and banishments this year, I have several instances before

me of severe scourgings of honest people, upon their nonconformity; and the persecutors, not satisfied with this punishment, sent a good many of them off to the plantations, after they had endured those.

Two of the women sent from Dumfries to Dunnotter, were scourged at Dumfries by the hands of the hangman, merely because they would swear no oaths, and refused to engage to hear the curate of their parish. The youngest of the two was sent over to Jersey with Pitlochy. About the same time, another honest woman, upon the same accounts, with a man whom they had prevailed upon to take the test, merely because he would not depone what wandering persons they had entertained, were bound together, and scourged through the town of Dumfries by the hangman. Another poor woman in Annandale, having hired two persons to shear with her in harvest, who wanted passes, was for this scourged in the same place; and they alleged a great deal of lenity was exercised, that she was not sent to the plantations. Jean Dalziel, an honest woman, a tenant of Queensberry's, was banished to the plantations, because she would not promise upon oath, that she would never converse with her own husband, now declared fugitive. Agnes Harestanes, another of Queensberry's tenants, was sentenced to the plantations, because she would not promise to hear the curates, and discover fugitives. She and her husband had eighteen children; yet such a family made not the persecutors in the least to relent.

I find it further remarked at this time, that when people were prevailed upon to swear the oaths now imposed, the managers obliged them likewise to promise to stand at the singing of the doxology, give all encouragement to the established clergy, apprehend all fugitives and wanderers; and when they could not apprehend them, that they should raise the hue and the cry after them for three miles.

If I should enter upon the spoilings and fines imposed upon sufferers this year, I might fill many sheets. Some hint of these may be given, by way of general estimate, at the end of this history. Two instances offer here, well vouched, of losses this way, mixed

in with other hardships. William Campbell of Middle Welwood, was 1685. this year seized, merely for reset of his brother John. Both of them were sent prisoners to Edinburgh, carried thence to Dunnotter, and afterwards banished to New Jersey. When this gentleman had with some difficulty got free of Pitlochy's representative, he came home, and next year was taken by a party of Craigy's troop, and carried prisoner to the Canongate tolbooth, where, after long imprisonment, he at length got out upon paying a fine of twelve hundred merks. The other account I set down from an attested relation, chiefly, that the reader from its particulars may be able to guess at the losses of honest people in this period, not only from their fines, but the circumstances of their finings, and the trouble they were necessarily obliged to before they got rid of them. This will appear from the case of Thomas Abercrombie in Dalwyne, in the parish of Bar. For dry quarters in the year 1678, at the incoming of the highland host, he expended a great sum. In the year 1679, he suffered a great loss from the quartering of dragoons for some time upon his house, and they spoiled it when they went off. In the year 1683, he paid a hundred pounds to Ardmillan, for alleged hearing of presbyterian ministers, many years ago, with fifteen pounds to his son James Crawford, and fifteen pounds to the soldiers employed against him by Ardmillan. Upon the fifteenth of November last year, at midnight, in his own house, he was apprehended, without any reason given, and carried away prisoner, and he had money largely to give before he got off. Besides, the soldiers spoiled his house, turned down his corn-stacks, and abused his victual. In May and June this year, the soldiers, in coming and going, took of his sheep at their pleasure, and killed and ate them. In July, the camp being near his house, his loss cannot be estimated. Thomas himself was taken prisoner July 18th. His house was spoiled, and he sent into Edinburgh. There he was threatened with the plantations, when the rest of the prisoners were sent thither. To prevent this, he made some interest, and gave Sir George

Mackenzie ten crowns, to Sir William 1685. Paterson five crowns, to the under-clerks and other servants twelve crowns. After this paving of the way, he petitioned the council for his liberation; which was granted upon his paying a hundred pounds fine, and giving bond to compear when called; and at his removal he had thirty pounds to pay to the keepers. After he came home from Edinburgh, he was attacked by Hugh Muir bailie of Carrick, for not hearing the episcopal minister, and paid him fifty pounds, and five pounds to his officers. All this he underwent for mere nonconformity; any concern in the risings was not alleged against him. And from this we may easily guess what vast sums were raised, and how much multitudes were squeezed merely for not joining with the prelatical establishment.

It is now high time to come to an end of my accounts of this severe year, by gleaning up some few things more, which come not in so directly upon the former sections, and yet may tend some further to clear up the history of this year, mostly from the council registers. By those I find, the council, that same day upon which the news came of king Charles II. his death, February 10th, give warrant for printing Jerviswood's trial, the same being first seen and perused by the lord register and advocate.

The procedure of the council relative to the indulged ministers this year, offers next, and I shall give what is come to my hand about them, in this place. March 12th, "the lords of his majesty's privy council having considered the address of Mr Andrew Miller indulged at Neilston, Mr James Currie at Shotts, Mr A. Murray of Woodend, and Mr Robert Mowat late minister at Heriot, prisoners, desiring liberty for some time: the lords, in regard of their long imprisonment and valetudinary condition, give order to the magistrates of Edinburgh, to liberate them on bond of five thousand merks, that they shall not exercise any part of their ministerial function in this kingdom, and live peaceably, and compear when called. Those worthy ministers had continued in prison since the end of the last year; and however the

council's act carry a clause in it obliging them to desist from their ministry in Scotland, yet I cannot find that they homologate this, yea, their acts of liberation did not contain this. Mr Andrew Miller's original warrant for liberation is before me, and I insert it as what was the common form, used as to all of them who were liberate at this time.

Edinburgh, March 12th, 1685.

"The lords of his majesty's privy council, having considered a petition presented by Mr Andrew Miller late minister at Neilston, prisoner in the tolbooth of Edinburgh, supplicating for liberty, do hereby give warrant to the magistrates of Edinburgh, and keepers of the tolbooth thereof, to set the said Mr Andrew Miller at liberty, in regard sufficient caution is found for him, that he shall live peaceably, and compear before the council when called for. Extracted by Will. Paterson, Cl. secr. conc." "This is the true and just double of the principal warrant for setting the said Mr Andrew Miller minister, at liberty. Extracted by me J. Cameron clerk."

March 14th, "the council order Mr Campbell and Mr Duncanson to i.e. liberate on bond of five thousand merks, to remove off the kingdom betwixt and the day of , and mean while that they exercise no part of the ministerial office, and live peaceably." And March 17th, "Mr Andrew M'Lean, Mr P. Campbell, Mr David Simpson, indulged ministers in Argyleshire, liberate upon the same terms." And Mr John Duncanson and his cautioners being absent, the lords declare his bond forfeited, and order him to be put to the horn. April last, Mr John Oliphant indulged minister, is liberate as above. We have heard of Mr John Knox before. And May 8th, Mr John I ell indulged at Ardrossan, his liberty is continued six months longer, under caution to remove off the kingdom. August 14th, the council order Mr David Simpson late minister at Kintyre, going to New Jersey, to have his bonds given up. Those and other indulged ministers not named in the registers, were at this time liberate, and retired to their own houses, and some of them continued at the mansees where they had been indulged, and preached to their own families, and some others now and then in their houses, but no more in the

churches; and so matters stood till the liberty, which we shall meet with next year save one.

A good number of letters, from the prisoners, at Glasgow and Edinburgh, in tolbooths and irons, and from aboard the ships going to the plantations, lie before me, which I can say no more of, but that they savour much of their piety, absolute resignation to the Lord's disposal, and satisfaction with their suffering lot. One thing I cannot altogether pass, as an evidence of their righteous temper, and the unrighteousness of their persecutors. What several of them regret most in their letters to their friends, is, that by the soldiers' seizing and carrying off any thing they had, their lawful creditors are like to be defrauded, and lose considerably at their hands. Some of them lament, that though they had more than would have cleared all their debts, and for some time supported them and their families; yet by the ravages committed upon them, their neighbours are like to be considerable losers, which vexes them much. By an original letter, dated Canongate tolbooth, August 10th, 1685, I find the subscribers of it were banished by the council to Jamaica. They direct it to their friends, as the testimony they leave to the cause for which they suffer. It is too long to be insert. They declare the ground of their sentence of banishment, is their disowning the authority of a papist, whom, they say, they can never own as their king. They leave a great many very good directions to their suffering friends as to their carriage, and sign, J. Jamison, Walter Hume, John Kennedy, James Murray, Robert Sharp, William Marshal, William M'Call, James Corsbie. Another letter lies before me from James Rae banished this year to Jamaica, to his friends, dated from aboard the ship, Newhaven, December 21st, this year. Probably they were all sent to Jamaica together. The letter is full of piety and composure of mind. He acquaints them, he had a very sensible warning and impression that he was near a great shock the day before he was taken; and since that time he was no way discouraged, but cheerfully left himself upon the Lord. He declares his fears, that sad days

are abiding the church of Scotland, and his persuasion, he will keep a remnant safe till they see the glorious delivery, and a far more glorious church than ever had been in Scotland. 1685.

The alterations in civil posts this year lie not so much in my way, yet I shall notice the hints I have observed as to those in the council-books. April 9th, a commission is read to the duke of Queensberry, to be commissioner to the parliament. And that same day, a new commission comes down to the council. All that were in the former commission were the king's friends while duke of York, and some additions are made. April 21st, the duke of Hamilton, the earl of Dumfries, and colonel Douglas are added to the council. June 8th, the council is appointed to meet every Tuesday, Thursday, and Saturday. June 20th, colonel Graham of Claverhouse is admitted a privy counsellor. And July 23d, Hugh M'Kay of Skourie is admitted a privy counsellor. April 16th, John marquis of Athole is declared lord privy seal, and Sir James Fowlis of Collington justice-clerk. June 22d, the duke of Queensberry is declared lord high treasurer, and constable, and governor of Edinburgh castle. July 24th, by a letter from the king, the viscount of Tarbet is allowed to continue in his office of clerk of council, registers and rolls, and senator of the college of justice, notwithstanding the honour of a viscount is conferred upon him. August 25th, upon general Dalziel's death, the council appoint a scheme of his interment to be delivered to the lyon king at arms, and the castle is ordered to fire at the removal of his corps. And Nov. 26th, William Drummond of Cromlix gets a commission to be lieutenant general of his majesty's forces in Scotland.

The affair of Monmouth's invasion upon England, I leave unto the English historians; it was ill concerted, and worse executed. Upon Monday, July 6th, the duke's little army was defeated near Bridgewater, and next day the lord Gray was taken by the lord Lumley, and in a little time the duke himself, who was brought up to the tower, July 13th. There is an account before me of this matter, printed by authority, which, in a most invidious para-

graph, bears, "That upon the duke
1685. was found a manuscript of spells, charms, and conjurations, songs, receipts, and prayers, all written by the duke's own hand," which I leave to be exposed by others, as false and calumnious. The reader will find a better account of this ill managed affair, in Dr Wellwood's memoirs, and other writers of reputation.

July 14th, a letter from the king is read in council, bearing, "Whereas in the parliament 1681, the money lodged in the hands of the magistrates of Edinburgh, for building a church in the Grass-market, was ordered to be applied to uses as near the will of the defunct as possible; the king now requires it to be applied to the building of a manse to the bishops of Edinburgh. The council accordingly order the magistrates to apply it, and to pay interest for the money till the house be built." I leave it to better judges to determine, whether it was in the power, even of the parliament or the king, to alter the destination of a mortification, from the building of a church, to the building of a manse; and much more, whether it was not a counteracting the will of the dead, to ordain the interest of that money to be paid to the bishop, as I am told it was; and in the meantime nothing is done for building a manse.

Upon the 16th of September, the council emit a proclamation for keeping the king's birth-day, October 14th, as a solemn anniversary thanksgiving. It being pretty singular, I insert it here.

"Forasmuch as it having pleased almighty God, to set our most rightful redoubted sovereign, James VII. by the grace of God, of Scotland, England, France, and Ireland, king, defender of the faith, &c. peaceably upon the throne of his royal ancestors, our most august and glorious monarch, notwithstanding the hellish plots and machinations against the sacred person of our late king (of ever blessed memory) and of our said present sovereign, (whom God long preserve) and also notwithstanding of the desperate and traitorous endeavours of those who lately by armed force, invaded these our sovereign lord's realms of Scotland and England, of design not only to have subverted his majesty's royal government, but even to have embrued their wicked hands in the sacred blood of our said sovereign lord the king,

and utterly to have destroyed all his majesty's faithful and loyal subjects; which traitorous attempts, by so signal and remarkable instances of the divine providence, have been so miraculously defeated and confounded: of all which his majesty's privy council being deeply sensible, they hereby, in his majesty's royal name and authority, ordain and appoint the fourteenth of October, being his majesty's royal birth-day, to be solemnly kept and observed throughout this kingdom, for this year, and yearly hereafter, as an anniversary day of thanksgiving, for his majesty's happy birth, and therein to commemorate his most conspicuous entry to his royal government, and miraculous deliverances aforesaid, and that all signs and demonstrations of joy, on such solemn occasions accustomed, be performed by all his majesty's subjects. And further recommend to the right reverend the archbishops and bishops, that they cause the ministers in their respective dioceses, for this year, and yearly hereafter, upon the said fourteenth of October, with the people at divine service in the church, devoutly give solemn thanks to almighty God, and celebrate his holy name, for his so signal goodness and protection to our said gracious sovereign, and in him to these his kingdoms; and that all his majesty's good subjects may have notice, and be certified hereof, his majesty's privy council doth hereby require and command his majesty's lyon king at arms, and his brethren, heralds, mace-bearers of the privy council, pursuivants, and messengers at arms, forthwith to pass to the market-cross of Edinburgh, and there having his majesty's coat of arms displayed, by sound of trumpet, and open proclamation, in his majesty's name and authority, make publication of the premises; and ordain the sheriffs of the several shires of this kingdom, to cause publish the same at the market-crosses of the head burghs of their shires, and the magistrates of burghs respective, as they will be answerable at their highest peril, that none may pretend ignorance. And the sheriffs aforesaid, are hereby strictly required, to cause deliver to the ministers within their shirifdoms respective, a printed copy of this act, that they may, from their pulpits, on the Lord's day preceding the said day of public thanksgiving, after divine service in the forenoon, read the same to the people, and give them the necessary exhortations upon this occasion.

Reflections on this are unnecessary, after what hath been said in the first book on anniversary days. It may be of more use to observe the direct encroachments made upon the privileges of the royal burghs, at this time. September 19th, a letter is read, with relation to the election of the

magistrates of Edinburgh, which is as follows.

"James R. Right trusty, &c. We greet you well. Whereas the usual time of electing the magistrates of our city of Edinburgh, is now approaching, we do hereby authorise and require you, upon sight hereof, to call for the present magistrates, and signify our pleasure unto them, that they and the present town-council continue as formerly, in the exercise of the government thereof, and that they forbear to proceed to any election of magistrates or town-council, for the ensuing year, until we shall think fit to declare our pleasure to the contrary : for doing whereof, this shall be to you and them respectively a sufficient warrant ; and so we bid you heartily farewell. Given at our court at Windsor, the twelfth day of September, 1685, and of our reign the first year.

"By his majesty's command, M^RL^RD."

Upon reading of this, the magistrates of Edinburgh are called before the council, and his majesty's pleasure is intimate to them ; and, in case any new counsellors be chosen already, the magistrates are appointed to resume the old counsellors, that so the town-council may remain entire as formerly, until his majesty's further pleasure. And to put all relating to this together, October 5th, another letter from the king is read.

"Right trusty, &c. Whereas we judge it a matter of importance to our service, and the advantage of our good people in our city of Edinburgh, that a person of known loyalty and integrity, be elected as their provost for the ensuing year, we have thought fit to authorise and require you, after the receipt of this, to call for the present magistrates, and recommend to them baillie Kennedy, as our particular choice, to be elected provost of that our city at this time, leaving them to the usual methods of electing the rest of the magistrates and town-council. For doing whereof this shall be your warrant."

"Windsor, Oct. 1st.

MURRAY."

The council appoint the counsellors in town to be present to-morrow at the election, and see it orderly proceeded in. Remarks upon such a letter are obvious. At the same rate the king might have nominate the rest of the magistrates and town-counsellors at Edinburgh, and in all the royal burghs ; and in effect, the whole privileges belonging to that body, so often ratified in parliament, were entirely overthrown : and we shall just now meet with the king, dispensing with another act of his own parliament about the test.

While those bold steps are taking at London, which were a preface to what 1685 followed in England, as to corporations, much of the same nature, our managers seem not to be altogether of a piece among themselves ; and informations are taken from Mr John Veitch, and some accounts said to be given by Sir John Cochran, with relation to the register and secretary Murray their corresponding with the lord Melville, and some malversations of the king's advocate. Without dipping at all into this part of secret history, I shall lay before the reader what I meet with in the registers about it. "The letter underwritten, directed to his sacred majesty from the council, being brought in from the committee appointed in the forenoon for that effect, being read, the same was approven of and signed, and ordered to be delivered to the lord marquis of Athole, to be by him presented to his most sacred majesty, which letter he accordingly received, with the principal examinations of Mr John Veitch and Mr William Spence, upon oath, there being no copies left, by the council's special order. Follows the tenor of the foresaid letter.

"May it please your most sacred majesty, according to your majesty's commands given by your royal letter, we have, by your proclamation, adjourned your parliament to the first Thursday of April, 1686, in the usual manner. As also, in obedience to your sacred commands, in another letter of the same date, we did intimate your royal pleasure to the council of Edinburgh, to continue the town-council as formerly, and to forbear to proceed to any election of magistrates or town-council, for the ensuing year, until your majesty declare your pleasure. We judge ourselves always obliged to inform your majesty, as being of great importance to your majesty's government, and of the highest concern to all your faithful servants, that the committee for public affairs having appointed two days last week for searching of prisons, and examination of prisoners, they reported to us, that in the examination they found by Mr William Spence, that Sir John Cochran's son had been questioning him, if he had carried on any correspondence betwixt the lord register, and the late lord Melville, by which it would appear, that Sir John Cochran's son had been practising him, with a design to accuse the lord register, which correspondence is declared by the said Spence to be utterly false. There was another called Mr John Veitch, who was close prisoner by the lord

1685. chancellor's order, and therefore, when the council called for him, they removed all the clerks, and that Veitch did give his oath in writ, whereof, he said, he had sent an exact double to the lord chancellor, after his lordship's going from this, which reports, as if information had come from a rebel, or some of their correspondence, of your advocate's malversation in your majesty's service, which he also denies upon oath. We have likewise information, that albeit Sir John Cochran would not voluntarily expose his secrets and discoveries, until he saw your majesty, no not to your officers of state; yet some have told here a day or two after Sir John had parted from this, that he was to accuse the earl of Murray of conversing with traitors, and we having sent for Sir James Rochhead the informer, we find he is gone for London. This in fact we humbly lay before your royal wisdom, as matters of extraordinary weight, lest by such practices your majesty's service may be more endangered, than by the enemy's open endeavours; and albeit such informations are to be received against the best servants, yet we in all submission offer to your majesty's consideration, how far the rage of defeated enemies, (especially when induced by threats or promises) will prompt them to concur in ruining your faithful servants, who have served your majesty faithfully, in ruining of them: and we humbly offer these, amongst many considerations, to your sacred majesty, that from your royal and fatherly interest in and over your servants, such directions may be given, and such notice may be taken of these informers, as will be most consistent with your majesty's interest, and with that which is a part of it, your majesty's justice to your unjust servants. There is one Welsh, a forfeited traitor, taken, and brought before us, whom we have remitted to the justices, in order to his execution; and albeit severals of these irreclaimable rebels be still skulking in the mosses, yet at present there is a greater quiet in the western shires, than has been in them these many years bypast, and all possible care for their continuing so shall be taken by us. But since the lord privy seal, who has been present with us, and whose eminent appearance and fidelity on all occasions, in your majesty's service, is so known to all, especially to your royal self, is now going to attend your royal majesty, we leave a more particular information to be given by him, of what relates to the aforesaid or other of the public concerns of your majesty's service here, and what further occurs, shall be faithfully transmitted on all occasions by,

"May it please your majesty,

"Your majesty's most humble, most faithful,
and most obedient subjects and servants."

Subscribed *et sederunt*, except the marquis of Athole.

October 24th, the council have the following return to this letter. "James R. Right trusty, &c. We received your letter of the 21st of September, from the marquis of Athole, by which we were much surprised, that you had taken upon you to examine Veitch, committed close prisoner by our chancellor, with express order, that none of what quality soever, should have any access to him, and to take up the order given by our chancellor. Both which, we look upon as actions of that nature, as we cannot but admire how, or by what persuasion you came to do them; for supposing it has been possible for our chancellor, to have done such a thing without our order, and that it had really been amiss, yet we ought to have been informed, and our royal pleasure known, before any thing had been done contrary to the order, especially where there was no danger in a much longer delay. This we look upon to be so much our immediate concern, that we must let you know how much we are dissatisfied with it, that for the future you might be more careful, that no such practice may be. We do likewise find in that letter, that some rebels have been induced by threats or promises, to accuse some of our faithful servants. We doubt not, that before you sent us that information, you were acquainted with the names of such as threatened or promised rewards in so wicked a matter, (as is well known to the world we would not suffer against the worst of our enemies) which names we desire to be sent forthwith to us, that we may make them examples of our justice to posterity. So we bid you heartily farewell. Given at our court at Whitehall, the 17th day of October, 1685, and of our reign the first year.

"By his majesty's command. "MELROD."

Such a letter required a speedy answer, and so, October 25th, they make the following return. "May it please your sacred majesty, we regret very much, that any thing in our conduct should have offended your sacred majesty, whose prosperity and greatness we have ever designed in all our consultations and actions; and since your sacred majesty has prescribed to us measures, for our conduct in the future, we shall by obedience shew what have been our former designs; nor would we insist upon what was done at the writing of the last letter, lest it might seem a justification, if your majesty's express commands in your letter did not ordain us to give an account of the motives upon which we proceeded. As to what concerned the examination of Veitch, we having seen my lord chancellor's order, which bears nothing of any warrant from your majesty; yet we thought it our duty, to have so much respect to a person of his eminent trust and merit, to continue Mr Veitch close prisoner, according to his lordship's order, with-

out ever taking up the same from the keepers, in whose hands it did and still lies, notwithstanding that Mr Veitch has both deposed to his lordship and us, that he knew nothing of that affair, nor would we proceed on that examination, until we knew what he had said to his lordship; and accordingly he continues still close prisoner, so that whatever inquiry may be made as to him, is still entire; nor would we take any discovery from him, further than what was made to my lord chancellor, nor would we so much as keep a double of the same, but transmitted it to your majesty by an officer of state, and member of the private committee. And one of the chief motives that induced us to believe, that we might examine him, was, that my lord chancellor's order did not expressly bear, that no person or judicature should examine him, which, if it had been, we would have had that just deference to my lord chancellor's order, as not to have examined him; but the order bearing only, that no person should speak with or see him, we only considered Veitch to be in the condition of other close prisoners, whom the council uses to examine. But whatever the practice has been, it is sufficient for us, that your majesty has excluded all examination in such cases for the future, which we shall humbly and heartily obey. And to show that no interest of ours, did or shall induce us to believe, that your majesty by yourself or your order, may not examine any person whatsoever, either as to us or your majesty's servants; we again renew the acknowledgment in our former letter, that informations are to be received against the best of servants; and we may be the safer in this acknowledgment, that we are so happy as to live under a prince who will protect the innocence of his approved servants. As to that expression in your majesty's letter, that some rebels have been induced, by threats or promises, to accuse your servants, we humbly offer to your majesty's consideration the clause of our letter, which bears, that we in all submission offer to your majesty's consideration, how far the rage of defeated enemies may prompt them to ruin your majesty's faithful servants, which was an abstract consideration in the general, without reflecting upon any particular person whatsoever, or arising from any examination mentioned in the letter, but from the sad experience we have of the rage of your majesty's enemies against your majesty's servants, and the great liberty they take to swear every thing they think for the advantage of their cause; and in this time, when your majesty's enemies have nothing left them but this revenge, against those who faithfully serve, to ruin them, and who are irreconcilable with them and their interest, upon your sacred majesty's account, especially, beside our ruin, they may project to

themselves a freedom from death and punishment, which, as they justly deserve, is the most terrification of all terrors. This is offered to your majesty, 1685.

May it please your sacred majesty,
Your majesty's most humble, most faithful,
and most obedient subjects and servants.
Subscribed *ut sederunt*, except Balcarras and Claverhouse. Laird of Abbotshall, C. Graham of Claverhouse, Laird of Gosford, The lord Archbishop of Glasgow, The earl of Linlithgow, The earl of Balcarras, The lord V. Tarbet, The lord Yester, president of session, The lord advocate, The lord justice-clerk, Laird of Drumelzier."

How this matter ended, I cannot say. If the procedure of the council after this year, had been insert in registers, we might have known more of this, and other differences which fell in among the managers in this reign, of which I am not in case to give certain accounts; and therefore I shall only further add, that that worthy minister, mentioned in the council's letter, fell under a long tract of great severities, as appears by a note sent me, written by himself at this time, which is all I have about him, and it is as follows. "By order from chancellor Perth, Mr John Veitch minister at Westruther, was taken and carried prisoner to Edinburgh, by Sir Adam Blair of Carberry younger, and lay all night in the guard kept at Holyrood-house. October 5th, he was sent to the tolbooth by a most unusual order, made close prisoner, and his keeper solemnly sworn, never to suffer any word to come in unto him, or suffer it to go out from him, but with the knowledge of the council, or their committee; and lest, in his absence, any should speak to him in at the door, and he to them, two soldiers were constantly guarding the door. Pen and ink were taken from him. This way he continued the space of twenty weeks."

October 5th, the council by an act ordain, "that no books of divinity be printed in this kingdom, till they be revised and licensed by the ordinary of the place; and discharge all stationers to sell any that are not licensed, under pains of confiscation." That same day, I find a process against the dean of Glasgow, and minister of Hamilton, before the justiciary, for the *crimen nefandum*. He is assoilied there, where multi-

1685. tudes of innocent persons had been made guilty. The violent suspicions of guilt, wherewith many in that place were impressed, were not removed by the lords' sentence, and he himself found proper to withdraw, and therefore I shall say no more of him.

October 28th, the town of Edinburgh pass a very good act, for delivering their streets from beggars, and anent the setting houses to any people who are not free in the town, which I have annexed in a note,*

* *Act, Magistrates of Edinburgh, October 28th, 1685.*

The which day, the lord provost, bailies, council, and deacons of crafts, being convened in council, taking to their consideration, that notwithstanding of divers acts of council, made for purging the city of vagabonds, beggars, and other idle persons, who daily trouble the inhabitants, and others his majesty's lieges resorting thereto; yet they are so numerous, that the citizens and other his majesty's lieges cannot, without great trouble, walk upon the streets, which is very burdensome to the city, and disgraceful to the place; considering, that by the 15th act of the 3d session of our late sovereign lord's first parliament, it is declared, that it shall be leisume to all persons or societies, who have or shall set up any manufactories within this kingdom, to seize upon and apprehend any vagabonds, who shall be found begging, or who being masterless and out of service, and have not wherewith to maintain themselves, by their common work, and declaring they shall continue therein during their lifetime, and shall be subject to their masters' correction and chastisement, in all manner of correction, (life and torture excepted) the said persons being always employed by the said manufactories, with advice of the magistrates of the place where they shall be seized upon: and the council being now resolved, that all the vagabonds, beggars, and other idle persons, and their children, that are above the age of five years, that can be found upon the streets of the city, or in any part of the same, or suburbs thereof, shall be apprehended and put in the correction-house, and set at work to spin and card, and working such manufactory-work as they shall be employed to do by the keeper of the correction-house, and his servants, which they judge to be the best expedient for purging the city and suburbs of the said idle persons and vagabonds, and preventing the increase of them in time coming. Therefore, they hereby command and charge these persons who shall receive the magistrates' commission, to take and apprehend all such vagabonds, idle beggars, whores, thieves, and masterless persons, and their children, above the age of five years, who shall be found within the city, or in any part thereof, or suburbs of the same, and present them to the magistrates, that thereafter they may be imprisoned within the said house of correction, to be set at work by the said master of the correction-house, and his servants, in manner foresaid, who are to remain therein during all the days of their lifetime, conform to the tenor of the said act of parliament, during the which

and such is their zeal, that in this act, they cannot but oblige all to whom houses

space they are to receive all manner of punishment and correction, (life and torture excepted.) And in like manner, the council taking to consideration, that the city hath been, and is greatly abused, by suffering strangers, vagabonds, unfree persons, poor and indigent bodies, to plant and have their habitation within this city; and that by harbouring of the said persons, (and such as they reset) the town is defiled with all kind of vice, the liberty of freemen usurped, the city overburdened with sustaining of that kind of people, their wives, children, and such as they reset, particularly in the time of dearth, and the monthly contribution appointed for their own poor, employed and consumed upon them: and that for remedy thereof, the magistrates and council, by their act, of the date the 22d day of December, 1676 years, did statute and ordain, that no persons set their houses or lands within the city, or suburbs thereof, in any time hereafter, to any unfree persons, that are not landed gentlemen, or members of the college of justice, without a special ticket from the bailie of the quarter, in writ, within whose bounds the said lands lie, under the pain of an unlaw of twenty pounds, to be taken off the setters or owners of the said lands, or houses, for ilk person to whom their land or house was to be set, with the catch of a year's mail to the town's use: and where any lands or houses are set to such persons, that the owners or setters remove the said persons instantly: and that the bailies shall give no ticket to the said unfree persons, but upon caution to be found acted in the town's books, that they shall keep and fulfil the articles following, *to wit*, that they shall receive no vagabonds, naughty or vicious persons, nor any who are suspect of theft, or reset of theft, or of keeping of brothel-houses, nor masterless persons within their houses, under the pain of twenty pounds, so oft as they fail. *Item*. They shall use no unlawful vocation, or usurp the liberty of a freeman under the said pain. *Item*. That neither they, their servants, wives nor children, shall be burdenable to the good town, under the pain of an unlaw of an hundred merks. *Item*. That they shall be no ways disobedient to the church, or magistrates, or officers of the said burgh, under the said pain, and their penalties to be paid by the said cautioners. The council do revive the foresaid act, in the whole heads, articles, and clauses thereof, and ordain the same to take effect, and to be put to due execution in all time coming. And further, it is statute and ordained, that outland poor beggars, and other poor that have not been burgesses' bairns in this burgh, remove and despatch themselves forth of this burgh, bounds and liberties thereof, and to retire to the place or parish where they were born, or formerly resided, so that they be not found nor seen within the same at any time hereafter, under the pain of putting of them in the *thieves' hole*, forty eight hours for the first fault, and scourging of them thereafter, as they shall be found within the bounds foresaid: and ordain thir presents to be printed, and published through the city and suburbs, by tuck of drum, and affixed upon the most conspicuous places of this city, that none pretend ignorance. Extracted by me,

JO. RICHARDSON.

are set, to conformity and subjection to the church.

What offers next, is of far more importance, and with it I must end what I have to give my readers from the council-registers. November 12th, a very extraordinary letter is read, dispensing with an act of the very last parliament, requiring the commissioners of supply to take the test. Most part of the persons, if not all in the underwritten list, were papists. In favours of those his own friends, the king very frankly breaks through a law, to which he had given his assent a few months ago. Such steps need no observations, they are what protestants may expect from a bigotted papist; and so I just insert the council's act, king's letter, and list, as they stand in the registers. "The letter underwritten directed from the king's most excellent majesty to the privy council, for dispensing with some persons, commissioners for supply, their taking of the test, conform to the list therewith sent, being read, was ordered to be recorded, and an act ordered accordingly to be transmitted to the persons therein mentioned, and to the conveners of the commissioners of the respective shires therein concerned; of which letter and list the tenor follows."

JAMES R.

"Right trusty, &c. we greet you well. Whereas in the 12th act of our current parliament, intituled Act of Supply, there is a clause ordaining all the commissioners therein named, to take the oaths and test appointed by law, which clause we judge fit for our service, to require you to put vigorously in execution, excepting these in the list here inclosed, whom we have dispensed with from taking the same, and such as we shall hereafter dispense with under our royal hand. For doing whereof this shall be your warrant, and so we bid you heartily farewell. Given at our court at Whitehall, the seventh day of November, 1685, and of our reign the first year.

"By his majesty's command.

"MELFORD."

JAMES R.

A list of the persons who are to be dispensed with from taking the test, conform to our letter (of the date of these presents) directed to our privy council of our ancient kingdom of Scotland.

"The duke of Gordon, the earl of Seaforth, the earl of Traquair, the lord Oliphant, Richard

Cockburn of Clerkington, Alexander Irvine of Drum, John Gordon of Rothes, 1685.
 may, Patrick Lealie of Balquham, Sir George Gordon of Gight, William Menzies of Pittfodds, James Innes of Drumgask, Adam Gordon of Auchmacoy, Francis Gordon younger of Craig, Mr Alexander Irvine of Lairny, Mr Richard Irvine of Kinkton, the laird of Fetterneir, the laird of Wartle-leslie, Alexander Frazer of Kinnaries, Macdonald of Binbecula, Macdonald of Largy, Macdonald of Cassilton, Patrick Gordon of Glastyrum, John Grant of Ballindalloch, James Gordon of Camdel, John Gordon of Baldorny, Alexander Gordon of Auchintoul. Given at our court at Whitehall, the 7th day of November, 1685, and of our reign the first year.

"By his majesty's command.

"MELFORD."

Toward the end of this year, several prisoners in the Canongate tolbooth found means to escape. I have no account of the circumstances; but December 3d, the advocate is appointed to process the magistrates of Edinburgh for their escape. No question they were free from any accession, being modelled to the mind of the court, and they easily got off.

The rage against presbyterians was not confined at this time to Scotland, but reached even to the banished ministers in Holland, with such as had retired thither for shelter, as Mr James Veitch, Mr Alexander Pitcairn, Mr George Campbell, Mr Patrick Warner, and others at this time there, and they were brought to some trouble. The occasion, as one of them informs me, was this. A fellow who had called himself Robert Smith, in the parish of Dunscore, and pretended to have been at Bothwell-bridge, endeavoured to bear in himself upon the weekly meeting which those reverend ministers, and others of the persecuted Scotsmen, had for prayer at Rotterdam. He got in so far upon Mr Grier, a very good man, and member of the meeting, that Mr Grier spoke to Mr Warner, to propose Smith's admission to the meeting. Mr Warner did not like his forwardness to be admitted to the meeting; and upon inquiry, found that Smith was very big with a popish captain, and suspecting he might be a spy upon them, he so effectually crushed his admission to the meeting that it was never proposed, and he was not out in his

fears. Towards the end of the year 1685. 1683, Smith went over to London, and made a pretended discovery of what he said he had picked up anent the plot, in an information given at Whitehall, February 24th, 1683-4, for which, though Doctor Sprat is pleased to deny this, I have no doubt he had money. This paper is published by the Doctor in the history of the Rye-house plot, and contains a vast number of lies, which I wonder the government perceived not the falsehood of, being in part self-contradictory, and plainly disagreeable to many facts they could not but know. This unworthy fellow, partly in spite, and partly to get his hire, informs of many facts scandalously false. It is not worth while to go through them now. He pretends to have seen Mr Warner in the council of war at Bothwell-bridge, whereas, from Drumclog to the defeat, he was scarce ever within forty miles of Bothwell. I imagine it hath been from this scandalous information, that the process formerly mentioned, against the reverend Mr John Sinclair, minister of Ormiston, was taken, and several articles in Cesnock and other worthy patriots' processes, formerly noticed. Upon this information, it seems, (for I can learn no other foundation for it) this year orders were given to the English resident in Holland, to insist with the states general, either to apprehend or remove those banished ministers from Rotterdam, and their dominions. Some thing was done to stop the clamour the resident made; but care was taken to advertise the ministers of their hazard, and they stept a little out of the way. Those worthy men were put to some trouble in the foreign land to which they were retired; but the Lord was with them, and delivered them, and in a little time now, a door was opened for their return to Scotland, and their being singularly useful for their Redeemer's kingdom there.

Thus at some length I have gone through this bloody year; and the narrative given of the severities committed during it, no doubt, will astonish the reader, and give him a fuller view, than perhaps he had of the vile popish spirit of persecution now raging in Britain, which indeed hath scarce

any parallel, unless it be the counter-part of the same plot, against the reformation, breaking out in October this year, by the revocation of the edict of Nantz in France, and the most ungrateful and utter razing of that once glorious and numerous protestant church, with the bloody dragooning conversion which followed upon it. The scene is not altogether so black during the three following years I am to account for, and I shall now very quickly come to an end of this melancholy and irksome history.

Having mentioned this dismal alteration in France, I take it not to be disagreeable to this work, to give the reader the French king's edict, which ruined that dear and once reformed church. It hath been once and again printed in most languages in Europe; but probably it will not be unacceptable to a good many, into whose hand this history may come, to have it here; and I shall adjoin to it a copy of the articles, and form of abjuration of the protestant religion, imposed upon our brethren in France, toward the end of this year. Once I thought to have turned them over to the Appendix, but falling in the end of the chapter, they will make no break in the history; and they deserve a room in the body of it, were it but to awaken our sympathy with the noble confessors of our sister church, yet remaining after so long and black a night as they have been under; and to quicken any who have interest at the throne of grace, to redouble their ardent supplications for them, and the Lord's cherishing the essays and struggles good numbers there at this time seem to be making, to wrestle from under the yoke of Rome and popery. It ought not to escape our remark, and might quicken us to a generous concern in those points, that the French king never ventured upon revoking the famous edict of Nantz, whereof Britain is the undoubted guarantee, till once our throne was filled with a bigotted papist, his own creature. And probably the revocation had been sooner made this year, if the French court, as was noticed, had not been alarmed at king James's declaration at his accession, and much more with his speech to his first English parliament. But

quickly the king threw off the mask, and satisfied his friends, he was hearty in his design of ruining the reformation: he broke with his parliament, and acted like a sincere papist as he was. Then was the proper juncture to fall upon the reformed in France, and this was not delayed unnecessarily one moment. I have, with surprise, observed a considerable agreement betwixt a collection of edicts, arrests, and acts against the reformed in France, from the year 1660 to the year 1683, where the *recueil* I have ends; and the acts of council and parliament in Scotland, mentioned in the former part of this history. The steps taken, the penalties, and the very phrases in both, do very much agree. And, generally speaking, the French king hath the honour of precedency in this severe and antichristian work. Whether our people copied after him I cannot say; but the harmony is such, one is almost forced to suspect it. In the edict I am now to insert, we have a copy cast to the king of England, which, had he not been taken short and stopped, I doubt not he would have carefully copied, in an act rescissory of all our laws since James V. and Henry VIII's time. But passing those remarks, I come to give the reader a copy of the French edict, Englished by an eminent presbyterian minister lately got to heaven, at this time, if I mistake not, at Paris, and I know it is exact.

Edict by the king, discharging all public exercise of the pretended reformed religion, within his kingdom.

“ Lewis, by the grace of God, king of France and Navarre, to all present and to come: greeting. Forasmuch as Henry the great, our royal grandfather, of glorious memory, being desirous, that the peace he had purchased for his subjects, after the great damages they had sustained by the long continuance of foreign and domestic wars, might not be interrupted upon the account of the religion which calls itself reformed, as had happened in the reigns of the kings his predecessors, did, by his edict given at Nantz in the month of April, in the year 1598, regulate the conduct that was to be used towards those of the foresaid religion, determine the places wherein they might be permitted to exercise the same, appoint judges extraordinary in the administration of justice to them; and did moreover make

provision, by particular articles, as to every thing he thought necessary for 1685. maintaining the quiet of his kingdom, and to lessen the aversion that was betwixt those of the one and the other religion, to the end he might be in a better capacity to endeavour that which he had resolved to do, the reuniting of those unto the church who had so lightly departed from it. And whereas the sudden death of the king our foresaid grandfather, put a stop to the accomplishment of his intentions, and even the execution of the edict itself was interrupted during the minority of the late king, our thrice honoured lord and father, of glorious memory, by the renewed encroachment of those of the pretended reformed religion, by means whereof they occasioned themselves to be deprived of sundry privileges that had been granted to them by the foresaid edict. Nevertheless the late king, our foresaid lord and father, out of his innate clemency, granted to them a new edict at Nismes, in the month of July 1629, by means whereof the former tranquillity was re-established; and the said late king being animated with the same spirit for religion, as our royal grandfather had been, did resolve to employ that peace for effectuating so pious a design. But foreign wars falling out a few years thereafter, so that from the year 1635, till the concluding a truce with the princes of Europe in the year 1634, the kingdom hath seldom ever been free from agitation; it hath not been hitherto possible to make any further progress for the advancement of the true religion, except by diminishing the number of the places, where the pretended reformed religion was exercised, by condemning those which had been set up without warrant from the edicts, and suppressing the * bipartite courts, which were erected provisionally only, and for a season.

God having at length permitted our people to enjoy a perfect quiet, and we being dispensed from the care of protecting them against our enemies, we purpose to take the occasion of this truce, which we were the more easily induced to grant, that we might apply ourself to the means of accomplishing with success the designs of our said royal grandfather and father; the which we also have entertained ever since our coming to the throne. We now perceive, with due acknowledgments to almighty God, that our endeavours have attained the end which we proposed, inasmuch as the greater and better part of our subjects of the foresaid religion, have embraced the Catholic faith. And since hereby the observation of the edict of Nantz, and of whatever else may have been enacted in favour of the said pretended reformed religion, becomes unnecessary, we judged that we could in nothing

* The *Chambres Bi-parties* consisted, the one half of Protestant judges, and the other of Catholic.

1685. contribute more effectually to the utter extinguishing the remembrance of the troubles, confusion, and mischiefs which the growth of that false religion hath raised in our dominions, and which gave occasion to the foresaid edict, and so many other edicts and declarations that did precede, and were made in consequence of the same, than by an absolute revocation of the said edict of Nantz, and of all the particular articles that were granted pursuant thereunto, and generally of all that hath been done since in behalf of the said religion. Therefore,

“ I. We give to know, that we, for these causes and others us thereto moving, of our own certain knowledge, full power, and royal authority, have by this present, perpetual, and irrevocable edict, suppressed and revoked, likeas we suppress and revoke the edict of our said royal grandfather, given at Nantz in the month of April, in the year 1598, in the whole extent thereof, together with the particular articles concluded upon the 2d of May following, and the letters patents passed thereupon; as also the edict given at Nismes, in the month of July 1629. All which we declare void and null, as if they had never been made. As likewise all concessions granted either by them, or any other edicts, declarations, or acts, to those of the foresaid religion, of what nature soever they may be; the which in like manner shall be held as they never had been granted: and in pursuance hereof, we will, and it is our pleasure, that all the temples belonging to those of the foresaid religion, situated within our kingdom, territories, lands, and dominions subject to our obedience, be forthwith demolished.

“ II. We prohibit all our subjects of the foresaid religion, henceforth to assemble themselves for the exercise of the said religion, in any place or house, upon any pretext whatsoever, or even in those places which they held by right of possession, or of ancient^a bailiage, notwithstanding the said rights have been corroborated by acts of our council.

“ III. We in like manner prohibit all lords of what degree soever, to hold the foresaid exercise in their houses, manors of what tenure soever they be; all which we discharge under the pains of confiscation of body and goods in case of contravention.

“ IV. We enjoin all ministers of the foresaid religion, who refuse to turn and embrace the catholic, apostolic, Roman religion, that within fifteen days after the publication of this our edict, they depart forth our kingdom and lands under our obedience, and that they abide not therein after the aforesaid term, and that during the said space of fourteen days they make no sermon, exhortation, nor exercise any other part of their function under pain of being condemned to the gallies.

“ V. Our will is, that those of the foresaid ministers who shall turn, shall continue to enjoy, during their own lifetime, and their widows after their decease, so long as they remain in widowhood, the same freedom and immunity from taxes and quartering of soldiers that they enjoyed while they exercised the function of ministers: and moreover, we shall cause to be paid to the said ministers, during their lifetime, a yearly pension, which shall be one third more than the allowances they had as ministers; the one half of which pension shall be paid to their wives after their death, so long as they remain in widowhood.

“ VI. If any of the said ministers shall desire to become advocates, or take upon them the degrees of Doctors in law, our will and intention is that they be dispensed with as to the three years' study appointed by our declarations, and that after having undergone the usual examinations and are thereupon judged capable, they be received Doctors, paying only the half of the fees that use to be exacted on that occasion in each university.

“ VII. We discharge all private schools for the instruction of the children of the said religion, and generally all things whatsoever that may import any manner of concession or grant in favour of the said religion.

“ VIII. As for the children who shall be born of those of the said religion, we will that henceforward they be baptized by their respective parochial curates. And for that effect, do enjoin the fathers and mothers to send them to church, under the pain of five hundred livres fine, in case of failure, and that the said children be hereafter educated in the catholic, apostolic, and Roman religion; the which we straitly charge the judges of the respective places, to see punctually performed.

“ IX. And that our clemency may be extended to our subjects of the said religion, who have withdrawn out of our kingdom, territories, and lands of our obedience, before the publication of this our present edict, we will, and our meaning is, that in case they will return within four months from the date of this said publication, they may, and it shall be leisome to them to re-enter upon the possession of their estates and goods, and the same to enjoy in all points, as they might have done if they had always remained therein. And on the contrary, that the goods of those who within the foresaid space of four months shall not return unto our kingdom, or lands of our obedience, from which they have withdrawn, shall remain and be confiscated by virtue of our declaration of the 20th of August last.

“ X. We do reiterate our most strict and peremptory prohibition and discharge to all our subjects of the pretended reformed religion, that they do not depart, they, their wives, or children, out of our kingdom, land, or territories subject

^a See the 9th and 11th articles of the edict of Nantz.

unto us, nor thence transport their goods or effects, under the pain of being condemned to the galleys, for the men, and confiscation of body and goods, for the women.

“ XI. We will, and our intention is, that the declarations made against the relapsed, be put in execution, according to their full form and tenor.

“ XII. Moreover, they of the said religion, may, till it shall please God to enlighten them as well as others, abide in the cities and other places of our kingdom, territories and lands subject unto us, and there carry on their commerce, and possess their goods, without trouble or molestation upon the account of their said religion : provided always, as said is, that they do not exercise the same, nor assemble themselves under the pretence of prayers, or other worship of what nature soever, belonging to their said religion, under the above expressed pains of confiscation of body and goods.

“ Herefore we give in charge to our beloved and trusty counsellors, the judges in our court of parliament, chamber of accounts, and court of subsidies at Paris, bailles, sheriffs, provosts, and others our magistrates, to whom it appertains, and to their lieutenants, that they cause be read, published and registrate, this our present edict, in their courts and jurisdictions, though in time of vacation ; and that the same they receive, and cause to be received, kept, and punctually observed, without contravening, or suffering the same to be contravened, any manner of way. For so is our pleasure ; and to the end the matter may be firm and stable, we have caused append our seal to these presents. Given at Fountain-bleau, in the month of October, the year of grace 1685, and in the forty-third year of our reign.

“ LEWIS.”

Visa le Tellier.

And below ‘ by the King, Colbert.’

And sealed with the great seal of green wax, upon laces of red and green silk.

“ Registrare, heard, and, at the requisition of the king’s attorney-general, to be put in execution according to the form and tenor. The copies collationed, and sent unto the seats of justice, bailiages, seneschaussees within the jurisdiction, there to be in like manner registrate ; enjoined to the deputies of the said attorney-general, to see the same executed, and thereof to certify to the court. At Paris, in the court of vacations, the 22d of October, 1685.

“ DE LA BAUNE.”

It is perfectly out of my road to make any observations upon this revocatory edict. Abundance hath been written upon it, and the reader hath this matter set in a due light, in the History of the edict of Nantz,

and many other writings of the French protestants. It may be of more use to the reader, to add the articles, to which these who renounced the reformation were obliged to subscribe, and the form of their abjuring the protestant religion, which was this year printed in English under this title.

A true and exact copy of the several Articles, together with the form of the Abjuration of the protestant religion, and confession of the Romish, imposed upon the French protestants, taken from the original, in the hands of Bonaventure Le Brun, notary public of Rouen, 1685.

The profession of the Roman Catholic apostolic faith.

“ In the name of the Father, the Son, and the Holy Ghost, Amen. I A. B. do believe and confess with a firm faith, all and every thing contained in the symbol of the faith which the Roman church doth use, viz.

“ I. I believe in one God, the Father almighty, maker of heaven and earth, and of all things visible and invisible : and in one Lord Jesus Christ, the only begotten Son of God, begotten of his Father before all worlds, God of God, light of light, very God of very God, begotten, not made, being of one substance with the Father, by whom all things were made : who for us men, and for our salvation, came down from heaven, and was incarnate by the Holy Ghost of the virgin Mary, and was made man, and was crucified also for us under Pontius Pilate. He suffered and was buried, and the third day he rose again according to the scriptures, and ascended into heaven, and sitteth on the right hand of the Father. And he shall come again with glory to judge both the quick and the dead : whose kingdom shall have no end. And I believe in the Holy Ghost, the Lord and giver of life, who proceedeth from the Father and the Son, who with the Father and the Son together is worshipped and glorified, who spake by the prophets. And I believe one catholic and apostolic church. I acknowledge one baptism for the remission of sins, and I look for the resurrection of the dead, and the life of the world to come. Amen.

“ II. I own and embrace most firmly, the apostolical and ecclesiastical traditions, and all other observations and constitutions of the said church.

“ III. Likewise I receive the holy scripture, according to the sense which the holy mother-church hath held, and doth hold, to whom it belongs to judge of the true sense and interpretation of the sacred scriptures ; and I will never take nor interpret it, but according to the unanimous consent of the fathers.

“ IV. I confess also, that there are truly and

1685. properly seven sacraments of the new law, institute by Jesus Christ our Lord, and necessary to the salvation of mankind, although all of them be not to every particular person, viz. baptism, confirmation, the eucharist, penance, extreme unction, orders, and marriage; and that they do confer grace; and that baptism, confirmation, and orders, cannot be repeated without sacrilege.

"V. I receive and admit also the ceremonies received and approved by the catholic church, in the solemn administration of all the above-mentioned sacraments.

"VI. I embrace and receive all and every thing that hath been determined and declared, concerning original sin and justification, by the holy synod of Trent.

"VII. I likewise profess, that in the mass there is offered to God, a true, proper, and propitiatory sacrifice for the quick and dead; and that in the most holy sacrament of the eucharist, there is truly, really, and substantially, the body and blood, together with the soul and divinity, of our Lord Jesus Christ, and that there is made a conversion of the whole substance of the bread into the body, and of the whole substance of the wine into the blood, which conversion the catholic church calls transubstantiation.

"VIII. I also confess, that under one of the two kinds only, whole Christ Jesus and a true sacrament is received.

"IX. I steadfastly hold there is a purgatory, and that the souls there detained, are helped by the prayers of the faithful.

"X. Likewise, that the saints which reign together with Jesus Christ, are to be worshipped and invoked, and that they do offer prayers to God for us, and that their relicts are to be honoured.

"XI. I affirm most steadfastly, that the images of Jesus Christ, and the mother of God, always a virgin, and also the other saints, ought to be had and kept, and that the honour and worship due to them, is to be given them.

"XII. I also certify, that the power of indulgences hath been left in the church by Jesus Christ, and that the use of them is most healthful to Christian people.

"XIII. I acknowledge the holy, catholic, apostolic, and Roman church, the mother and mistress of all churches.

"XIV. I promise and swear a true obedience to the Roman pontiff, successor to the most blessed Peter, prince of the apostles, and vicar of Jesus Christ.

"XV. I likewise receive and profess, without any doubt, all other things, left, defined, and declared by the sacred canons, and general councils, and especially by the holy synod of Trent.

"XVI. And I likewise condemn, reject, and anathematize all things contrary, and all the heresies condemned, rejected, and anathematized by the church

Then, swearing upon the holy evangelists, must be said,

"I A. B. promise, vow, and swear, to hold and confess most constantly, to the last breath of my life, (with God's help) entire and inviolable, this same catholic faith, out of which none can be saved, which now I profess of my own accord, and most sincerely; and I will take care, as much as in me lieth, that it may be kept, taught, and preached by those that are under me, and by those the care of whom doth appertain to my charge. So help me God, and the holy gospels. Amen."

Form of abjuration.

"I, A. B. of the parish of L. do certify all whom it may concern, that having become sensible of the falseness of the pretended reformed religion, and the truth of the catholic religion, of my free will, and without any constraint, have made profession of the catholic, apostolic, and Roman religion, in the church of L. in the hand of P. In testimony of which, I have signed this deed, in the presence of the witnesses under-named this day of in the year .

"I, P. incumbent of the church of L. in the parish of L. in Rouen, do certify, that this day, being the of in the year have received the abjuration of the pretended reformed religion, and the profession of the catholic, apostolic, Roman faith, which A. B. of the parish of L. made in my hands, in presence of C. D. and E. F."

Bonaventure leBrun, notary public, in the palace-yard, Rouen.

This may let us see the greatness of our delivery at the late glorious revolution, by the hand of king William; and how much we were again brought under the greatest debt to a kind Providence, by the seasonable accession of our sovereign king George to the throne, when we were just upon the brink of such edicts, professions, and abjurations as those: and from them we ought to make an estimate of the Lord's goodness to poor Scotland, in blessing the arms of his majesty, under his gallant general and commander in chief, John duke of Argyle, to the chasing of the pretender to the crown of these realms, educated in the faith just now set down, and so wedded to it, that he refused to be crowned, as I am informed, at Scone, till once he received the pope's grant of Britain and Ireland, in due form, who, he said, had the only power to dispose of crowns. It is people's ignorance

of the villanies of popery, and the lamentable state of those who are under their anti-christian and inhumane cruelties, makes them value our great mercies so little, and have so little true sympathy with our persecuted brethren.

CHAP. X.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, IN THE YEAR 1686.

THIS year, and the following two, do not afford such instances of general persecution, as the former and some preceding years. Some particular examples of inhumanities, as occasions offered, and a few more murders in the fields, of which I have been able only to recover some short hints, with the continued procedure of the judiciary, in more forfeitures, upon the score of the attempt of the earl of Argyle, will make up the bulk of what I am to lay before the reader, upon the sufferings of this church, this year. But it would be unfit to overlook the grand attempt made in parliament, for overturning the protestant religion, by letting in papists to places of trust. Some other things will offer themselves, which, though they do not so nearly relate to the present sufferings, yet they will lead us into the state of presbyterians and sufferers, during this period, where I shall only hint at some few matters of fact, which I suppose are but little known.

The reasons of the slackening of the persecution this year, as to some branches of it, are many. After the endeavours of the prelates and their adherents, so vigorously supported, as we have heard, for twenty-six years, one needs not be surprised to find they had little work to do. Most part of presbyterian ministers were banished, or had withdrawn; and very few were left. The gentlemen and heritors, who favoured presbytery, were either worn out by death, forfeited, banished, or put under such burdens as were equal to a forfeiture; and little more could be done this way. The common people, who had suffered so much during the former years, were many of them cut off, transported to the plantations, or mewed up in prisons; and the rest so borne down by the soldiers, and time-

serving persons, and wanted ministers to preach to them, that they lived as 1686. privately as might be, essaying to pass this melancholy time as much unobserved as they could; and a good many complied in some things, and now and then heard some of the better sort of the established clergy, especially such who showed themselves hearty protestants, by opposing popery now coming in so fast. In short, except as to church-irregularities, there was not much ground for the persecutors to work upon; yet still we are to consider the sufferings of presbyterians as continuing, by the lengthening out of many of the evils formerly lying upon them, and the persecution as remaining in every thing wherein any serious persons could be reached by the then laws, and even beyond them. Indeed the society people, this and the succeeding years, were hunted and harassed in the south and west, as far as they could be discovered. Their hardships were indeed inexpressible, and their preservations and deliverances remarkable. Mr James Renwick was preaching here and there, as he best could, in retired places; but his falling in with the tenets, declarations, and heights, which the generality of presbyterians could not approve of, his being necessarily led by his followers, to some things he would not otherwise have gone into, instead of leading them, and their setting up against all the remaining presbyterian ministers, indulged and not indulged, kept the most part of presbyterians from joining with him; yet, by the papers I have seen, and the accounts I have, I am well assured, Mr Renwick, and some with him, laboured hard to bring his followers from several heights they had run to; and it is plain, he smoothed many things in their public papers, and moderated some things in their public actings, especially after Mr Shiels joined him. In short, though the violence against presbyterian ministers and their followers, for conscience sake, was nothing, strictly speaking, abated, yet the project for introducing of popery, by removing the penal statutes, and granting a toleration to papists, when that did not succeed, made it convenient, that there should be some little superseding of the more overt, open, and common acts of

1686. violence, rapine, and bloodshed, so frequent for some years, the more to cover their specious pretext of easing tender consciences, though every one who was not blind might see, that all the relaxation this way, was only designed for the advantage of the king's religion. All the respite then at this time, was either from mere necessity, and want of objects to work upon, through their preceding barbarity, or designed to cozen and cheat all who had any warm side to the protestant religion, to go into, or, at least, not oppose the jesuitical measures the king was entering upon, for the total ruin of the reformation.

My narrative then of this year shall come under the heads of the persecution continuing through the country, the remarkable procedure of the parliament; and I shall bring in the state of the society people, and some other things relative to this year, in a section by themselves.

SECT. I.

Of the procedure of the justiciary, murders in the fields, and other branches of the persecution, this year, 1686.

It is the public and barbarous violences, tortures, public executions, and murders in cold blood, that will leave the frightful impressions of the blackness of this time I have been describing, most sensibly upon the spirit of the readers; but a little thought and reflection upon the circumstances of multitudes of other presbyterians, who escaped those, will discover them to be most lamentable. Their silent sabbaths, the struggle they had before they could partake of, and the sensible uselessness attending the dispensation of ordinances by the episcopal clergy, the daily distress and terror that was upon their minds, together with the lamentable prospect they had of their posterity's being brought up in ignorance and profanity, and under the want of the gospel purely dispensed, were not easy to them; yea, in some measure, more bitter than bodily torture and death. They had, in short, the daily views of an introduction of the blackness of darkness of

popery, to which prelacy and such horrid persecution had paved the way. Besides all this, common to all presbyterians this and the two following years, the justiciary went on in their forfeitures, mostly upon Argyle's attempt. The finings for non-conformity in some places were very exorbitant; and we shall meet with some other particulars of the continuing persecution, murders in the fields, and other instances of severities; and in this section I shall give the reader some view of these.

I begin with a short hint of what is remarkable in the criminal books, just according to their dates, as they offer. December 21st last year, the advocate intends a process against the duke of Buccleugh and Monmouth, Fletcher of Salton, and the lord Stair,* and a very long indictment is given in against them, and read. We may easily guess what was to be charged upon the first, and we have had the sum of the libels against the other two formerly.

To begin with the duke of Buccleugh, he is delayed till January 4th, and then to February 15th, when "the duke of Buccleugh and Monmouth deceased, is forfeited for converse with Sir John Cochran and his son, Westshiels and Cultness, forfeited rebels, for joining in out-rigging three ships with the late earl of Argyle, and landing in England upon the last of June 1685, at Lyn, and taking on him the title of king, and resisting his majesty's forces; for all which he was executed the day of July

* In the characters of Statesmen in *Carstairs's* State papers, Stair is thus described—"Is eldest son of lord Stairs president of the court of session in the reign of Charles II. and fled to Holland after the duke of York's parliament, and was restored to his former place at the revolution. This gentleman, notwithstanding his father's disgrace, was made lord advocate in the reign of king James. After the revolution he was made secretary of state along with lord Melville, and then with Mr Johnston (son of Warriston) who threw him out of all; nor was he after employed in that reign. On queen Anne's accession to the throne, he was created earl of Stairs. He is a very good lawyer, has great natural talents, is a fine orator, but factious; and makes a better companion than a statesman."

He rendered himself obnoxious to the whole nation, by his concern in the infamous massacre of Glenco, the whole being imputed to his means. He was father of the renowned field-marshal John earl of Stair.—*Ed.*

last." January 4th, the lord Stair's process is delayed till April next, and the lords enter upon Salton's process. The advocate restricts his libel, to his invading England with the late duke of Monmouth and Buccleugh, and it is remitted to an assize. Two witnesses are adduced: the first depones, he knew the laird of Salton, and saw him come to England and invade it; the other, that he saw and knew one so called, come to England in a ship with the duke of Monmouth, and saw him with arms. Another declaration is adduced, emitted in Newgate, which was offered to be attested upon oath. The assize bring him in guilty. The lords sentence him to be executed to death, and demeaned as a traitor, and undergo the pains of treason, when apprehended. Sir James Dalrymple of Stair is delayed from April to July, when, July 12th, the lords delay him till November, no further probation being discovered against him. In November, he is continued till January next year. In February, his son is made king's advocate, and it had not been decent for the son, to manage a criminal process against so good a man, and father: and therefore, that day when he is admitted, the father's process is delayed till March 28th, when a remission is produced, read and recorded, to Sir James Dalrymple of Stair, for his resetting, harbouring, and receiving mail and duty from rebels and traitors, upon his ground, in the years 1679, 80, 81, 82, 83; John Dick in Banban, Quintin Dick in Dalmellington, and many others; and for resetting and harbouring Mr Alexander Lennox, Mr Alexander Ross, Mr Alexander Pedin, and Mr Alexander Hamilton, vagrant preachers, and suffering them to preach, and baptize children in his house, and for his drawing a petition for, and advising some of the rebels. January 4th, the advocate produceth an indictment, upon the score of rebellion, against Campbells and others. There are a vast many persons put together in this indictment, upward, I think, of fourscore; most part are gentlemen of the name of Campbell. I name but some of them of most note. Sir Duncan Campbell of Auchinbreck, Campbell of Barbreck, Mr Archibald Campbell son to lord Neil Campbell, whom we had forfeited before,

and how he comes in again here I know not; Campbell younger of Mel- 1686.
fort, Campbell of Knap, Mr Alexander Campbell advocate, Campbell of Kilberry younger, Alexander M'Millan of Drumoir, David M'Neil of Crier, Duncan Campbell of Carri-del, Alexander Campbell of Otter, major Henryson, captain John Fullarton, Mr George Wisheart (I fancy it ought to be Barclay) preacher, Mr Alexander Hastie preacher, Robert Elphinston of Lapuress, captain John Henry, Patrick Campbell, commonly called black Patrick, Patrick M'Kater of Inchrennie, Archibald M'Levernock of Oab, Iver M'Iver, alias Campbell, of Aishnish, Campbell of Eavnathan, Campbell of Kildalvan, Ker of Kersland younger, John Campbell of Dargachie, Robert Campbell his brother, Dugald Macavish of Dunardrie, Alexander M'Carthur captain to the late Argyle. There is nothing of probation against those persons in the registers, but they are remitted to an assize, who bring them in as guilty of being in the rebellion, with the late earl of Argyle; and the lords sentence them to be executed and demeaned as traitors, when apprehended, in common form. That same day, the criminal action against Mr Thomas Forrest-er minister, John Guthrie, Alexander Campbell of Sonnachan, John Nisbet, Dugald M'Levernock, of Ardmassick, for alleged accession to the late rebellion, is continued, and I meet with no more about them. And Hugh Campbell, brother to John Campbell of Dargachie, deserted *simpliciter*, as being eminently serviceable to the king, being employed as a spy by Montrose's chamberlain. January 18th, Duncan Campbell of Ellangreg younger, confesseth his accession to the late earl of Argyle's rebellion, casts himself on the king's mercy. He, with his father Colin Campbell of Ellangreg, are sentenced to be executed July 9th, at the cross of Edinburgh; but remissions were got by that time. And December 7th, Campbell of Balnavie, Campbell of Dana, Campbell of Balgaltro, M'Lachlan of Barnagad, M'Lachlan of Dunnad, and Colin Campbell of Blairin-tibbert, are sentenced to be executed and demeaned, &c. in common form. This is all I meet with as to the gentlemen concerned with Argyle this year. We shall meet with some more next year. It

1686. was their estates now they were seeking more than their blood.

I find this year two other processes before the justiciary, for alleged accession to Bothwell, and other heads. March 1st, David Robertson writer in Cowpar, is indicted for being in the rebellion 1679, and his framing and affixing upon the kirk-door of Darsie, a paper disclaiming the king, and calling the late king Charles a tyrant. Not compearing he is declared fugitive, and put to the horn. And upon July 14th, Gavin Weir in Waterside, in the parish of Lesmahago, in prison for the rebellion 1679, and no probation appearing, the lords liberate him; and William M'Millan in Barbreck, upon promise judicially never to rise in arms against the king, upon the pretext of the covenant, or any other pretext whatsoever, and that he should orderly keep his parish-church, and upon his owning Bothwell-bridge to be rebellion, is liberate.

Many were the fines and exorbitant exactions made this year and the following, upon the poor country, for not coming up the full length the episcopal ministers would have them. I have not laid out myself so much to recover the accounts might be had of those fines, all the particulars would be endless and wearisome. There is before me a well-vouched account from the parish of Calder, of fines uplifted by William Stirling, bailie-depute of the regality of Glasgow, this year, and some of them perhaps in the two following years.

L. s.

James Donaldson portioner of Ralbreton, for a meeting for prayer at his house upon a sabbath, besides many other abuses and losses by the soldiers, fined and paid	200	-
John Baxter tenant there for the same	40	-
Walter Donaldson there, for his wife's being present	36	-
James Stevenson tenant there	33	-
John Paterson tenant there	23	4

What follows was exacted for mere nonconformity.

John Barron tenant in Ralbreton	29	-
George Wardrop smith there	23	4
George Leech tenant there	35	-
John Horn weaver there	23	4
James Atkin miller there	29	-
John Walker weaver there	23	4
Robert Brash cottar there	12	-
James Hodge tailor there	18	-
George Wardrop tenant there	31	-
Margaret Walker widow there	12	-
James Craig tenant there	31	-

John Leech tenant in Carderoch	31	-
James Henry tenant there	12	-
William Henry weaver there	31	-
Walter Reid weaver there	23	-
Alexander Barron tenant	15	-
Thomas Paterson tenant in Lammoch	60	-
James Boyd tenant there	18	-
Robert Steven tenant there	15	-
James Hunter	23	4

Those, and many other sums, were uplifted by the said bailie-depute of the regality, who obtained the gift of the fines for church-irregularities in that parish, from all who were not heritors, and exacted upwards of a thousand pounds Scots from the poorer sort of people, without any legal citation, trial, or sentence, only sending for whom he pleased by his officer, and when they came, threatened them with present imprisonment, to lie there till they rotted unless they promised, and of many he took a note, to bring him in such a sum of money against such a day; and they behoved to come home, glad to escape present imprisonment, and sell their cow or horse, or produce of their acre of land, to get money to pay him. The most part of those persons had lived regularly for some years; and it was for alleged irregularities, a good many years ago, for which those fines were imposed; and it was only the poorer part of the parish he attacked; the tenants of the laird of Keir, and other gentlemen who could protect their tenants, he did not meddle with, though many of them were equally involved with the former, in what was now termed guilt. These sums indeed are but comparatively small; but when we consider that they were imposed upon poor country tradesmen, cottars, &c. and that but in a few country towns in that parish, the reader may easily reckon what prodigious sums were lifted generally through the country, where such fines were exacted with the same rigour.

Plunderings and oppressions of that kind were very common this year; I shall scarce enter upon them. In the parish of Dalry in Galloway, three good men had gone into a retired place of a wood, to spend some time in prayer together. One of them under remarkable enlargement, had extended his voice so that at some distance

he was heard; and a party of soldiers coming by, noticed the voice, and came to it as softly as they could. When they drew near, they observed three men upon their knees, and straightway, without giving them any warning, or endeavouring to seize them, they discharged their pieces upon them. It pleased the Lord none of the three were touched, but got off, and the soldiers soon lost them in the wood. However, such was the soldiers' activity in persecution, that they went to the next house, and inquired to whom the wood belonged, and the grounds about, and plundered the houses as resetting those men, and brought the heritors to much trouble. January this year, a party of the soldiers searching the country, for which they never wanted pretexts, came to the parish of Stonehouse in Lanarkshire, and carried away eight men and two women prisoners, for alleged hearing an outed minister. The two women had each of them sucking infants on their breast, and so savage were these people, that when the mothers were carried away, by no means would they suffer them to take with them their infants, but behaved to leave them to the care of providence, and charitable neighbours. About the same time Halyards fearfully oppressed the neighbouring parish of Glassford, particularly Janet Scot, a widow woman, mother, as I am told, to John Semple formerly mentioned: her house was plundered, and plenishing spoiled, merely because it was alleged her son had been at Bothwell.

Towards the beginning of this year, great numbers of worthy gentlemen, who had ventured over with Argyle, or favoured his design, were forced to hide or wander up and down under great hardships, and some of them to live in caves and dens of the earth, and retired places; others were put to vast charges, to get access to any small part of their own estates in the hands of the managers. And the rest of the presbyterian gentlemen, who had no access to favour the earl when he made his attempt, whom we left in prison at Edinburgh, and others paid this year prodigious sums, as compositions of their fines, really forfeitures and impositions equal to them.

However, there was some preaching of the gospel here and there, by ^{1686.} presbyterian ministers, but very privately, which was a sweet balance to the sore distresses now so common. I find it observed, that last year and this, Mr George Barclay, Mr Robert Langlands, Mr George Guthrie, Mr John Black, and Mr Duncan Campbell, preached sometimes in retired places in Galloway.

This summer the soldiers were sent to several places through the west country, to quarter, upon no pretended fears or faults, but merely to oppress and bear down such places of the country, as hitherto had not been brought up to a full conformity. Major Douglas came and formed a camp in the parish of Dalmellington, where a far greater was last year. Some soldiers were sent some time before the rest, to guard the meadow grounds, that the possessors might not cut or eat them. The major had with him six troops of horse, and four of them for three weeks were upon free quarter, without any reason for it; one of them in Monnivey, another in Overlaight, another in Netherlaight and Dunaskies, and the fourth in Laffin-hill. I need not enter upon the damages done to the inhabitants, several of whom were sorely spoiled the very last year, as we heard.

A bond of regularity was violently urged by many noblemen and gentlemen this year, much in the terms of the act already noticed in Queensberry's parliament; and a good many fell about renewing their tacks, as ordered by that parliament. By this bond insert in their tacks, the country people were obliged to subject to ordinances dispensed in their own parish-church, pay cess, and subject to every imposition that came about. This was a new occasion of sufferings to great numbers in the west and south, and very many refused such tacks.

In December this year, David Steel in the parish of Lesmahago, was surprised in the fields by lieutenant Crichton, and after his surrender of himself on quarters, he was in a very little time most barbarously shot, and lies buried in the church-yard there. This is all I shall notice upon the persecution this year. I come now to the procedure of the parliament.

1686.

SECT. II.

Of the proceedings of the parliament, which met April 29th, this year, with the dis-appointment of the project for rescinding the penal statutes.

My accounts of the parliaments since the restoration, have, no doubt, been melancholy and unpleasant to the readers. In all their acts relative to church-affairs, they were tools to the prelates; and after the council had assumed a parliamentary power, and made experiments how the rigid and extraordinary methods would do, the parliament, as we have seen, then used to meet and turn the actings of the prelates and council into standing laws, and continual burdens upon the lieges. This course of things had given ground to expect, that this session of parliament would pay the same deference to the king's declared will, which the preceding parliament had shown to that of the council and prelates; but they have the honour to make the first gallant stand to the court measures, at least in point of our holy religion, and reformation, that hath been made since the return of king Charles II. therefore I shall give as full a deduction of their procedure, especially as to the penal statutes, as my materials offer me, earnestly wishing to see a larger and better account of this, by some better hand.

In March it came to be known, that the parliament was to meet next month, and the design of it, to repeal the penal statutes, was made no secret of. No stone was left unturned, to prevail with the members to fall in with the king's design. I cannot give so distinct accounts of the carriage of the episcopal clergy at this time, as I could wish; but this I am well informed of, that several of the inferior clergy in a good many places of the country, some time after this, when the king, by his letter ordered an indulgence to presbyterian ministers, did begin to preach upon the popish controversies, and warn their people of the hazard the protestant religion was in. But too many of them took this occasion to vent their groundless spleen against the presbyterian ministers, who, with the greatest

freedom, did guard their hearers against popery; and some of them we shall hear were criminally processed for so doing. But what they did before, and during the sitting of the parliament, I have little information. However, I shall carefully insert what I have. Many of the most noted of the established clergy in the most eminent charges, were brought over to the court measures, or at least to be silent at this juncture. Too many of them had gone entirely off the doctrine formerly taught in Scotland, not only in times of presbytery, but even by themselves, and in former times of episcopacy, and were deeply tainted with Arminianism, and other errors; and several, either through ignorance or somewhat worse, were running headlong into a great many popish tenets; and the bulk of the inferior clergy through the country, were grossly ignorant, supinely negligent, and too many of them scandalous and profane, as appeared undeniably at and after the revolution. From those, no stand could be expected against popery in its blackest shapes. The lords of the clergy were a mixed company, and some few of them made a stand in parliament, as we shall see; but, excepting that branch of appearance of some of the bishops, the only testimony given from the clergy I have met with, against this opening the door to popery, was from the synod of Aberdeen. They met in April, and after some struggle with a party who were for boating with every wind and tide, they agreed on the following address, which I insert here, as their commendable testimony against the attempt to be made in parliament.

To the right reverend father in God, George lord bishop of Aberdeen, the humble address of the diocese of Aberdeen.

" May it please your lordship,

" We look upon it as a favourable providence, that we have this opportunity of meeting with your lordship, before your going to parliament. The constancy of our loyalty, both as to our principles and practices, is known to all, and, God willing, we shall continue in it. We need not tell your lordship, what apprehensions there are of the hazard of the true protestant religion in this church, seeing there is so great fear of losing the legal securities of it, by taking off or weakening the force of the penal statutes against

the papists, which we look upon as one of the hedges thereof. We cannot persuade ourselves, that your lordship, or any other of the governors of the church, will consent thereunto, were it no more, but when we consider the great obligations that lie upon all persons in public capacity, by the late solemn oath and test, wherein they and we have lifted up our hands to the eternal God, and sworn not only to adhere to the protestant religion all the days of our life, but never to consent to the alteration thereof, or any thing contrary thereunto; as also to the utmost of our power, to maintain the privileges of his majesty, and his lawful successors, which cannot but be highly prejudged, if the nation should be leavened with popish principles. But whatever any may do, we judge ourselves humbly obliged in conscience, to entreat and obtest your lordship, that as you tender the honour of Jesus Christ, the interests of our holy religion, your duty to the king and his lawful successors, the obligation of your office and trust, and the reputation of your order, not to give consent to any such alteration. The eye of God is upon you, and the eyes of the world also, at this juncture of time, and we have just ground to presume, that your standing vigorously for the preservation of the established laws, may be of great consequence for the end foresaid; but whatever may be the issue, we shall have peace in this, we have discharged our own consciences, leaving this humbly to your lordship's consideration; and it is and shall be our earnest prayer to almighty God, to direct your lordship, and all concerned in this weighty affair."

I am much a stranger to the bishop's character, but there is no hazard in putting the best of men in mind of their duty and having it pressed upon them: but one would think some terms in this address import, that their diocesan needed this honest and free advice given him.

Upon the 29th of April, the parliament convened at Edinburgh, and there was a numerous meeting of all the three estates. I have already noticed, that the king's design, and consequently the commissioner and courtiers' work was to rescind the penal statutes and laws made against papists since the reformation, and so often ratified, even last session of parliament, if I may call such an act a ratification, that so the popish king might be the more at liberty, to fill all the civil posts and places of trust with papists. Those laws indeed had been very little executed for 26 years. The zeal of

the prelates and government had spent itself against presbyterians, yet still 1686. they were laws, and in standing force, and a considerable bar in the way of a popish prince, and such who were willing to serve him in all his designs. The most vigorous and cutting laws against papists and popery, ever made in Scotland, those, betwixt the years 1639 and 1650, were long since rescinded; and our national covenant, as well as the solemn league, our great bulwarks against popery, had been treated with all the spite and ignominy men could contrive. Our fundamental constitution was broke in upon, and our laws already invaded by a papist's mounting the throne, and the tide of the times had been running most impetuously against presbytery, and presbyterians the most hearty opposers of popery; so that on the whole it might have been naturally enough expected, especially from such a parliament, that some further acts of favour would have been shown to the king's friends, and fellow-idolaters. But the Lord would have it otherwise.

To facilitate the king's project, his letter to the parliament was read. I have annexed in a note* a copy of his majesty's

* *King's letter to the parliament, with the parliament's answer, and the commissioner's speech, April 29th, 1686.*

JAMES R.

My lords and gentlemen,

THE great testimonies we had of your loyalty and affection to our royal person and government, at your last session, (in which you not only made an humble offer of your duty in ample manner, and showed your abhorrence of the rebellion then raised against us, and your readiness on that and all other occasions to stand by us with your lives and fortunes;) but (wisely considering how much the forces which former parliaments had given us supplies to maintain, supported by your assistance, and, blessed by God, were instrumental in ending that unnatural rebellion) you gave us the occasion, by augmenting your supplies, to add to our forces, (and consequently to your own security) for all which as we then returned you our most hearty and royal thanks, and considered you the examples to our other subjects, of loyalty, duty and affection to us, (as you had been in our former difficulties) so it stirred up in us an ardent desire of making such returns unto you, as might every way make you find the advantage of your faithfulness and duty to us. It is for this end that we have again desired to meet you in this session. We have considered your interest as much as our distance from you could bring into our pro-

letter, with the earl of Murray's speech as commissioner, and the parliament's answer to the king's letter. How it comes that the earl of Perth, now

pect, and those things which we found proper for it, whether in relation to trade and commerce, or easing some things uneasy to you amongst yourselves, we have fully instructed our commissioner (with your advice and consent) to conclude so as may be most for the general good of that our ancient kingdom. We have made the opening of a free trade with England our particular care, and are proceeding in it with all imaginable application, and are hopeful, in a short time, to have considerable advances made in it. We have considered the trouble that many are put to daily, by prosecutions before our judges, or the hazard that they lie under, for their accession to the late rebellions; and to show the world (even our greatest enemies themselves) that mercy is our inclination, and severity what is by their wickedness extorted from us, we have sent down to be passed in your presence, our full and ample indemnity, for all crimes committed against our royal person and authority: and whilst we show these acts of mercy to the enemies to our person, crown, and royal dignity, we cannot be unmindful of others our innocent subjects, those of the Roman Catholic religion, who have, with the hazard of their lives and fortunes, been always assistant to the crown, in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named: them we do heartily recommend to your care, to the end, that as they have given good experience of their true loyalty and peaceable behaviour, so, by your assistance, they may have the protection of our laws, and that security under our government, which others of our subjects have, not suffering them to lie under obligations which their religion cannot admit of. By doing whereof, you will give a demonstration of the duty and affection you have for us, and do us most acceptable service. This love we expect you will show to your brethren, as you see we are an indulgent father to you all. For these, and such other matters as we conceive for our service, and the universal good of the nation, we have sent our right trusty, and right entirely beloved cousin and counsellor, Alexander earl of Murray, secretary of state for that our ancient kingdom, our commissioner to you, believing that none will be more acceptable than one so immediately employed and trusted about our person, of whose long and faithful services we have full experience, in every one of the several employments he has been in, and of whose loyalty and affection to our person and service we are fully convinced: to him we desire you to give entire credit, as one fully instructed and trusted by us, from whose experience and faithful endeavours, with your loyalty, love, and duty to us, we have good reason to expect a happy conclusion to this session: and you may assure yourselves in general, and every one of you in particular, that we shall have both the general concern of the nation and yours, into our most particular regard, which we shall express by our royal favour, upon all suitable occasions. So not only expecting your compliance with us, but that, by the manner of it, you will show the

chancellor, had not a speech, or if he had, that it is not printed, I cannot say. Now, I suppose, he had declared himself papist, and it was not altogether decent, that a

world your readiness to meet our inclinations, we bid you most heartily farewell.

Given at our court at Whitehall, the twelfth day of April, 1686, and of our reign the second year.

By his majesty's command,

MELFORD.

The parliament of Scotland's dutiful answer to his majesty's letter.

May it please your sacred majesty,

We do return your majesty our most humble and hearty thanks, for the frequent marks of your royal favour expressed to this your majesty's ancient kingdom upon all occasions, and particularly in your majesty's gracious letter, dated the 12th of April last; and your majesty may, with full assurance, expect, that your gracious acceptance of those services we did you in the last session of this parliament, will encourage us to continue our zeal and firmness in this for your majesty's service, and the royal interest upon which, under God, we acknowledge our happiness and preservation do entirely depend. Your majesty's care of the trade of this kingdom, (which is at present exceedingly decayed,) and particularly your royal endeavours to procure us a free trade with your kingdom of England, will very much enable us to make these supplies effectual, which we have so heartily and willingly undertaken, for the security of the crown, and safety of the kingdom; nor shall the advantages that can arise thereby, be more acceptable to us upon any other account, than so far as they may be a testimony of your majesty's kindness, and conduce to those great ends. Your majesty's clemency, testified in the offer of an indemnity to these desperate rebels, who could have expected pardon from no monarch on earth but your sacred majesty, and the greatest aggravation of whose crimes lies in opposing such gracious and merciful princes, will (we hope) not only convince your other subjects, how happy they are under your government, but reclaim them from bearing any further enmity to it; and to let them see how extravagant, as well as undutiful, their endeavours will be, in opposing your majesty, and your royal successors, we do again most sincerely and heartily offer you our lives and fortunes, for suppressing all such as shall, upon any account or pretext whatsoever, attempt, either by private contrivances, or open rebellions, to disquiet your glorious reign. As to that part of your majesty's letter, relating to your subjects of the Roman Catholic religion, we shall, in obedience to your majesty's commands, and with tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our conscience will allow, not doubting that your majesty will be careful to secure the protestant religion, established by law. Your majesty's commissioner has, to our very great satisfaction, signified to us, that he is fully instructed by your majesty, to promote every thing

professed papist should have a speech in behalf of his own party. The letter is printed by the king's express command, which is not so very ordinary ; but it might

which may tend to the improvement of the wealth and prosperity of this your ancient kingdom, and we hope, that by his wise care and conduct, this session of parliament may be brought to a happy conclusion ; and to him, seeing your majesty has well judged that none could be more acceptable, we shall give that entire credit and concurrence, and pay that respect which is due to the eminent character which your majesty has been pleased to give him ; and to that constant loyalty and fidelity with which he has acquitted himself in all the former trusts and employments which he has borne under your majesty's royal brother and yourself, hoping that we shall give him just reason to report, at his return to your majesty, with how much zeal, duty and affection, we endeavour to deserve the being considered by your majesty as

May it please your sacred majesty,

Your majesty's most humble, most faithful,
and most obedient subjects and servants,
PERTH, Cancell. I. P. D. Parl.

Edinburgh, May 6th, 1686.

His majesty's high commissioner's speech.

My lords and gentlemen,

The great sense which his sacred majesty retains of your loyalty, duty, and zeal for his service, and of your signal affection to his person and interest, so kindly expressed in your proceedings of the last session, hath determined him to meet you again so soon in this, to the end, that as you did then by very seasonable proofs of your dutiful obedience, even during the raging insolence of an unnatural rebellion, demonstrate your loyalty and firm adherence to the crown ; so his majesty would not be wanting on his part, to show his paternal and royal care of you his ancient and loving people, by giving you fresh opportunities, of doing such things as may tend to the universal good of the nation, as a generous return to your affections.

As all the states and ranks of men in this kingdom, have been most eminent in their loyalty, love, and deference to his majesty in their several degrees and capacities, both when he honoured you with his royal presence, and since ; so his majesty is graciously resolved, that you shall, in your several stations, share of the effects and influences of his royal care, tenderness, and protection, by marks of his royal favour, which he intends shall be as comprehensive and general, for the security and happiness of you all, as your duty and kindness towards him have been remarkable. Pursuant to this, I am to assure you that his majesty doth endeavour, with all imaginable care, to open a free intercourse of trade with his kingdom of England, as one of the surest ways to save his royal burghs from the ruin threatened by the decay of commerce, and will leave nothing unessayed that may promote a work so beneficial to this kingdom. And for your further encouragement, the king hath fully instructed his envoy at the court of France, to use his utmost endeavours for having the fifty *sols per ton* discharged, and for recovering the possession of the other privileges of the Scots merchants

be now necessary that all should know what his majesty expected for his beloved Roman Catholics. I shall make some remarks upon it. The king

trading with that kingdom, which have been now a long time suffered to run into desuetude. And his majesty conceiving that the burghs of regality and barony, enjoy more of that trade, for which the burghs royal bear the sixth part of the cess of the nation, than does justly fall to their share, has therefore been graciously pleased to instruct me, to give his royal consent to such regulations therein as you shall think just and equitable. And there having been several complaints made to his majesty, of the trouble which merchants of this kingdom meet with in the matter of the staple and trade with the Netherlands, I am fully instructed to give his consent to what you shall advise as reasonable, for the redress thereof for the future. And whereas his majesty is informed of the great prejudice which this kingdom suffers by the importation of Irish cattle, horses, and victual : I am also fully instructed, not only to give his royal assent to whatever may free you from that abuse in time coming ; but likewise to inquire into the connivances and malversations of those who in times past have been intrusted to hinder and discover all such illegal importations, to the end that they may be punished according to law. I am also to acquaint you, that the king being informed, that the want of an open mint is a sensible prejudice to the traffic of the kingdom ; I am therefore empowered to give his royal assent to what the wisdom of this parliament shall think just and reasonable in that point.

As his majesty, in his royal prudence and goodness, intends to promote the trade of this nation, by all possible and fit methods ; so he hath commanded me to tell you, that he is not at this time to demand any more supplies or impositions of any kind, notwithstanding the great and necessary charge which the suppressing of the late horrid rebellion has put him to ; being fully convinced that your affection and alacrity have already prompted you to give all that was convenient for you to spare. In requital of which, he is resolved to do all he can for the advancement of the good and interest, and increasing the wealth of this kingdom ; a thing which his majesty is very sensible has been a long time too much neglected, conceiving his royal state inseparable from the happiness and flourishing prosperity of his people. And the king well knowing how heavy the cess lies upon the land-rents, if it were not indispensably necessary, as well for your own safety, as the support of his government, would willingly discharge some part thereof : but this being impossible, I am fully instructed to pass any law, with your advice and consent, that may give ease in that matter, not diminishing the former quota. I am further to acquaint you, that his majesty has taken special care to instruct me fully for giving his royal consent to all such laws and regulations, as may secure exact payment to the country, from all his officers and soldiers in their quarters, both local and transient, for the future ; and to see exemplary punishment inflicted upon all persons who heretofore have oppressed any of his loving people, by denying or detaining their just dues from

compliments them upon last year's
 1686. supply, sets them up as patterns
 of loyalty to England and Ireland, both
 now, and in his former difficulties;
 when, indeed, Scotland screened him
 from the defenders of liberty and reli-
 gion, in England. As a return to their
 services, the king tells them, he was, with
 all imaginable application, essaying to open
 a free trade with England. It would seem
 now projected upon some other foot, than
 a union, so often projected in vain. He
 adds, that he had sent down to be passed in
 their presence, "a full and ample indem-
 nity, for all crimes committed against his
 royal person and authority." No such in-
 demnity is to be found in the printed acts
 of this session. A pardon for the commons
 in the shire of Argyle, we shall meet with
 in September; but the parliament are
 either to be blamed for marring this act of
 grace, or, which I rather believe, found it
 really suspended on such conditions, and
 clogged with such weights, that the sub-
 jects were as well without it. Thus, for
 anything I can learn, it dwindled away into
 the pardon to the common Highlanders,
 from whom they had taken all they had to
 lose. I imagine this indemnity was like
 the pope's indulgences, which take no ef-
 fect, unless people come up to their price,

them. And for easing the commons of many
 oppressions, alleged to be committed by commis-
 sars, I am likewise empowered to pass an act,
 with your advice and consent, for regulating
 the same.

That which will surprise you much, is, that
 as the king is solicitous to provide for the secu-
 rity of this kingdom, and to encourage and cher-
 ish his dutiful and loyal subjects as his obedient
 children, so as a tender hearted and compassion-
 ate father is willing and ready to forgive, and
 merciful to pardon the unexcusable faults and
 crimes of such as have behaved themselves un-
 dutifully, and even rebelliously against him.
 And therefore to settle and quiet the minds of
 his people, and once more to drive away the
 fears of the guilty, by delivering them from their
 apprehensions of that punishment which they
 have so justly deserved, he hath graciously been
 pleased to instruct me, to pass his full and am-
 ple indemnity, with some few necessary and
 reasonable exceptions, for all past crimes and
 misdemeanors whatsoever; which may convince
 the world that his majesty delights, by sweet
 and gentle methods of mercy and lenity, to re-
 duce all to duty and obedience, and that nothing
 but their own perverseness and incurable obsti-
 nacy in evil, can force from him that just severity

as appears from what follows in the letter.
 "His majesty's inclinations to mercy" seem
 to have been suspended upon the favours to
 be shown to the papists; thus he adds,
 "And while we show those acts of mercy
 to the enemies of our person, crown, and
 dignity, we cannot be unmindful of others
 our innocent subjects of the Roman catho-
 lic religion." This was what might be ex-
 pected, and one good reason why all good
 protestants could not but be against his
 accession to the crown and dignity; but
 how far he had reason to term them 'his
 innocent subjects,' ought to be considered;
 innocent they were, no doubt, as to any op-
 position to his accession, or practices against
 what they reckoned, and really was their
 greatest interests as papists; but sure they
 were not innocent in other respects. Their
 avowed principles lead them to the greatest
 villanies and wickedness men can perpe-
 trate, and their practices never disagreed
 when they had opportunity. Since the re-
 formation they had been in a continued
 plot for overturning our religion and lib-
 erty, and bringing Scotland under a foreign
 yoke. They had been the springs and
 authors of many evils, for many years, and
 most bitter instruments in all the massacres,
 blood, and persecution of those times, as
 they had access; and it was their constant

which sometimes becomes necessary for the
 safety of his people and government, though
 contrary to his princely and merciful temper.

And now, my lords and gentlemen, after so
 great and excellent designs for promoting the
 honour, the ease and wealth of this kingdom,
 after his resolution to pardon so many enemies,
 and to free so many of the guilty from further
 severe, but just prosecutions, his majesty believ-
 eth, that none will wonder, if he desire, by the
 advice and consent of this his great council, to
 give ease and security to some of his good sub-
 jects of the Roman catholic religion, who have
 in all times been firm to the monarchy, and
 ready to sacrifice their lives and fortunes for the
 services and security of the crown; so that his
 majesty, who so perfectly understands the loyal
 and dutiful temper and genius of Scotland, rests
 fully persuaded of your ready and cheerful com-
 pliance with his royal desire and inclinations,
 tending so much to your own security and his
 satisfaction; and that you will send me back to
 my great and royal master, with the good tid-
 ings of the continued and dutiful loyalty of this
 his ancient kingdom. By which you will show
 yourselves the best and most affectionate sub-
 jects, to the best, the incomparable and most
 heroic prince in the world.

practice to divide and disjoin families and societies, and to sheath every man his sword in his brother's breast; to say nothing of the personal vices and profanities, which, alas! were equalled by too many who called themselves protestants. The king, or some pretended protestant, who for him had penned the letter, adds, "The Roman catholics had, with the hazard of their lives and fortunes, been always assistant to the crown, in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named." I could name very good catholics, who joined with the country against the crown, when encroaching upon the laws of the kingdom, and liberty of the subject. We had a good number of papists joining against queen Mary, the mother and the daughter, and some few since that time, who have preferred the interest of the country to the designs of a court; though, I must own, their religion, which leads to downright slavery, was not the reason of it. Upon the other hand, we find them so far from assisting the crown, that they have been in a continual plot against it; generally speaking. Every body knows what plots they were engaged in while king James VI. was in Scotland; and that monstrous gun-powder plot was projected, and very near executed by them. And whether the present king knew of their blowing the coal of the civil war, and their share even in his father's death, I shall not say; but sure he was not ignorant of their designs once and again against his brother's life, and he himself best knew how far they helped him to his grave. But this being for holy mother church, and in order to his own accession to the crown, it may be, some reckoned it an assisting him, as indeed it was in the worst of rebellions and usurpations. It is certainly matter of fact, that in some sense, during his father and brother's reigns, a good many Roman catholics were very assistant to the crown, and stuck by them in levying war against some of the best of their subjects; but then it was their unhappy falling in with popish measures, which broke them and their good subjects, and it could not but be expected, the papists would assist in their own quarrel. This

much I will venture to say, that when king and court were heartily against 1686. popery and papists, they never had any disturbance but what came from the Roman catholics. As to what is added, 'although they lie under discouragements can hardly be named,' it is undoubtedly true, if it be understood of the smallness of them. Their discouragements since the restoration, especially since this popish king's accession, were indeed inconsiderable; they had some laws against them unrepealed, but these were far from being executed, and many papists were in the highest places of trust and power. Those the king heartily recommends to the parliament's care, 'to the end, that as they have given experience of their true loyalty, so by the parliament's assistance, they may have the protection of the laws, and security under the government, which other subjects have, and not be suffered to lie under obligations which their religion cannot admit of. It is but reasonable to expect such a request from a popish prince; but methinks, it runs pretty high, that they should not only have the protection of the law, which they already had in civil things and rights, betwixt man and man, but the same security, and to be put on the same foot with other subjects, though they be of the king's religion, when by their religion and principles they were obliged to destroy, and keep no faith with them. I do not know what obligations they were under, which their religion could not admit of; for if they lived peaceably and blamelessly, there were no obligations required of them. But, *aut Cæsar aut nihil*, there was a test in the way of their possessing all the profitable offices and trusts, and this bar they would have out of their way. All this is expected as a demonstration of the parliament's duty to the king: where that lies is hard to perceive; but I cannot doubt of what follows, 'and their affection for him, and acceptable service to him.' This love the king expects they will show unto their brethren, as they see he is an indulgent father to them all. They are mightily obliged to their father's indulgence, for bringing in his butchering children their bastard brethren, and making them heirs and portioners with the bairns of the house.

1686. The letter ends with commendations of the earl of Murray, present secretary and commissioner to this parliament, and a promise, 'that the particular concerns of every member of parliament should be especially regarded, and expressions of royal favour bestowed upon them,' only, it seems, upon their falling in with the king's inclinations; for he thus concludes, 'so not only expecting your compliance with us,' no doubt in repealing the penal statutes, 'but that by the manner of it, you will show the world your readiness to meet our inclinations; we bid you most heartily farewell.' That is to say, he expects implicit obedience, and that they will make no difficulties, nor presume to trouble him and his commissioner with reasonings upon this head, so much at his heart.

This peremptory letter from the king, was followed with a very smooth speech from the earl of Murray, which is added in the preceding note. It consists mostly in a resumption of the heads of the king's letter. To curry favour with them, he signifies, that the king's envoy in France, was instructed to have the fifty sous per tun, upon Scots goods there, discharged, and the privileges of Scots merchants there, restored. And had the French king been ever guilty of gratitude, it might have been expected, somewhat might have been done this way, to gratify the subjects of a king who was his obedient servant, and closely pursuing his design of rooting out the northern heresy. He adds, his instructions bear him to consent unto the redress of the merchants' grievances, as to their staple-trade with the Netherlands, the abuses in importing Irish cattle and victual, the want of an open mint, and all the oppressions of commissary courts. He acquaints them, his master is to demand no more supplies at this time, and no wonder, since last year they had prevented him this trouble; and that he is willing to regulate the soldiers, in their local and transient quarterings upon the country; where a certain truth is owned from the throne, that there had been great irregularities and oppressions committed this way. What he adds seems no great compliment to his master; that which will surprise you, is, that the

king is willing to pardon and forgive the crimes of such as have behaved undutifully; and then harangues upon the indemnity he was instructed to pass, and comes to the great thing in view, the ease and security the king designs for papists, by their advice, of which enough hath been said.

This session of parliament was not so forward and quick in answering his majesty's letter, as last year. The inclinations of a great many in the house, as to the grand point, were not altogether so passive and submissive as was expected; and the reader will remark in their return to the king's letter, added likewise in the preceding note, that they were not willing to prelimit themselves by any compliment in their return to his majesty. So after some struggle with the courtiers, upon the 6th of May, they came in to this safe clause. "As to that part of your majesty's letter, relating to your subjects of the Roman catholic religion, we shall, in obedience to your majesty's commands, and with tenderness to their persons, take the same into our serious and most dutiful consideration, and go as great lengths therein as our consciences will allow, not doubting that your majesty will be careful to secure the protestant religion." This is the first time since the restoration, I remember, that the parliament speak of their conscience; and instead of passing an act in favour of religion, as was ordinary in every parliament, they become humble suiters, that a popish king may preserve it, and carefully secure it.

Such beginnings were no good omen to the commissioner, who met with considerable rubs in the way of his main errand. Indeed he was not idle during the first month, in closetting members, and using both threats and promises to bring them in to his master's measures; and yet could not prevail with the most part of the nobility and gentry, to suffer the hedge about the reformation to be taken down. I have accounts from a worthy nobleman yet alive, of the daily messages sent to him, and various offers, and most advantageous proposals made, as well as severe threatenings used, if he did not come up to what the king had so much at heart, and

had interested himself so openly in. But his lordship, with many worthy patriots, made a gallant stand, and lost several considerable posts in the state and army, for their steadfast adherence to our legal securities against popery.

It was but two or three at most of the bishops, who had the courage to oppose the court in this important affair. Some of them, ashamed to appear in so black a cause, chose to be silent, or withdraw. The rest, contrary to their oath, office, and plain interest, fell in with the king's darling design, and my informations bear, the chief of them were active for the removal of the penal statutes, which heightened the aversion the nation had for them. I hear bishop Atkin of Galloway, an old man, made a noble stand, and died shortly after; otherwise probably he had been turned out. And bishop Bruce of Dunkeld, had a remarkable sermon at this time, much commended, opposed the penal statutes, and was put from his office. How the bishop of Aberdeen carried after he had been so honestly dealt with by his clergy, I know not; but I find bishop Ramsay of Ross, used great freedom with the commissioner, and came to no small trouble therefore. That prelate, who was heartily against papists being admitted to places of trust, happened to be with the earl of Murray in his closet, and, after much home reasoning against taking off the penal statutes, came at length to use an argument *ad hominem*, and took the liberty to tell his grace, that he was surprised to find him so keen in pushing that affair; and with some peremptoriness assured him, a project was already laid to turn his lordship out of his post as secretary, as soon as the parliament was up, and to bring in a papist to it. The earl essayed to pump him upon that subject, and the bishop opened himself, and let him know all he had heard upon that head, scarce expecting his grace would have propagated what he had said to him alone, and as a friend. Upon what reasons the earl best knew, he was pleased very soon to give a full account of the bishop's conversation with him, to chancellor Perth, who meditated revenge, and would not be satisfied till the bishop was brought under a

censure for what passed in private and friendly conversation; and so far 1686. did the chancellor push the matter, that he gave in a representation to the primate, which the reader will be pleased to have here.

“Representation from the lord high chancellor of Scotland, to his grace the archbishop of St Andrews, lord primate. The bishop of Ross, having upon the day of May, 1686, attended upon his grace the earl of Murray, his majesty's high commissioner, and (after some discourse betwixt them) asked his grace, why he was so earnest in matters proposed by the king to the parliament, seeing that the lord chancellor, and lord Melford design to have his grace turned out of his office of secretary, when the parliament was over; and his majesty's high commissioner having desired to know what ground he had for such an information, the bishop said, it was a thing he was assured of, and his assurance was founded upon his knowledge of the lord chancellor and Melford's tempers and humours, or words to this or the like purpose. And this being prejudicial to his majesty's service, and the honour and interest of the persons concerned, it is therefore desired that his grace, with advice of such of the clergy as he thinks fit, may take notice of it, and do therein as by the rules and customs of the church is usual in such cases, or such a crime deserves.

“PERTH.”

What was done by the primate, and the lords of the clergy upon this extraordinary step, I have not learned. It may be well supposed this course was fallen into mostly *ad terrorem*, and for any thing I can hear, this prelate continued firm in his opposition to the project now on foot.

During the month of May, I find very little public business gone through by the printed acts; and suppose most of the time was spent in forming a party for the liberty designed to be given to papists, and essays among the members to bring them up to the king's lure. That matter was now the subject of every body's conversation; and great care was taken of the printing presses, that nothing might be published against the king's favourite design, or in defence of the present standing laws: and on the other hand, papers, and pamphlets, making a nose of wax of the established laws, were printed, carefully spread and handed about, while severals were brought to trouble for

1686. handing about privately, papers in defence of the laws and religion of the land. And the lampoons upon the penal statutes were encouraged, and smoothings of the grossest popish tenets greedily received, and many popish books and papers carefully spread for corrupting the nation.

Great efforts were made to choose the lords of articles, so as the king's inclinations might meet with no opposition there: yet some struggle and opposition was made. I cannot pretend to give so distinct accounts how this act for repealing the penal laws was treated there, and in the house, as I would; and I may be under some mistakes, as to the circumstances of time, in my conjectures from the papers come to my hand; but, in as far as I can guess at this distance, the matter stood thus.

Upon the 27th of May, the following draught of an act in favours of papists, with some difficulty, was transmitted from the lords of articles, which, as being the utmost length our managers for popery and a popish king could be brought unto, I shall insert here.

"The estates of parliament, taking into their serious consideration his majesty's desire expressed in his gracious letter directed to them, for some ease to his subjects of the popish persuasion; and that although there are several laws and acts of parliament containing sanguinary and other punishments against papists, yet such hath been the force of Christian charity, and the meekness and gentleness of the protestant religion, that these laws have seldom or never been put in execution, since the reformation, by their religious predecessors, and (A.) now being firmly resolved to adhere to the established protestant religion, and, so far as their religion and conscience will allow, to yield an humble and dutiful compliance with his majesty's desires; therefore his majesty, with advice and consent of his estates of parliament, statutes and ordains, that those of his majesty's subjects, who are of the Romish communion, shall be under the protection of his majesty's government and laws, and shall not, for the exercise of their religion in private, (all public worship being hereby expressly excluded,) be under the danger of sanguinary and other punishments, contained in any laws or acts of parliament made against the same. It is always hereby declared, that this immunity or forbearance granted to the papists for the exercise of their religion, in private houses alienably, shall no ways import

allowance or approbation of that religion, or any ways evacuate or prejudge the laws or acts of parliament made against popery, or in favours of the protestant religion, (B.) which are hereby declared to abide in their full force and effect as to all ends and intents for which they were made; except as to the forbearance and immunity hereby granted in the terms, and to the effect above-mentioned, and no otherwise."

When this draught was proposed to the parliament, I cannot say; but I have ground to think it was not read for some days, till the pulse of the members was tried upon this draught, which hath abundance of cunning in it. At length it came to be tabled in the house, where the reasonings were bold and warm against it; and I shall enter no further upon them, but to acquaint the reader that he will find the substance of the reasonings against this draught, in the papers I am just now to place in the notes. The courtiers were glad to get off this field, and to have the draught remitted again to the lords of the articles to ripen it. There, instead of bettering it in the eyes of the courtiers, some new clauses were added to it, yet more shocking to them. After all their debates and reasonings, this act fell into the shape which the reader hath at the foot of the page.*

* *Act anent the penal statutes, 1685.*

The estates of parliament, taking to their serious consideration his majesty's desire, expressed in his gracious letter directed to them, for granting ease and relief to his subjects of the popish persuasion, and that although there are several laws and acts of parliament, containing sanguinary and other punishments against papists, yet such hath been the force of Christian charity, and the meekness and lenity of the protestant religion, that these laws have seldom or never been put in execution since the reformation by their religious predecessors; and as the estates of parliament are firmly resolved to adhere to the true protestant religion by law established within this kingdom, and which is, and always shall be dearer to them than all their worldly concerns; yet so far as their religion and conscience will allow, to yield an humble and dutiful compliance with his majesty's desires. Therefore his majesty, with advice and consent of his estates of parliament, statutes and ordains, that those of his majesty's subjects, who are of the Romish religion, are, and shall be, under the protection of his majesty's government and laws, for their private and civil interests, and shall not, for the exercise of their religion in their private houses, (all public worship being hereby excluded,) incur the danger of sanguinary and other punishments contained in any laws or acts of parliament made against the same. It is always hereby

In it the reader will observe, among other changes, two very considerable alterations. The first is at the letter (A.) in the first draught, and the paragraph runs, "And as the estates of parliament are firmly resolved to adhere to the true protestant religion, as by law established within this kingdom, which is, and always shall be dearer unto us than all worldly concerns, yet so far as," &c. as above. The other change was yet more choking, and it is at letter (B.) in the former draught, thus: "And particularly shall not derogate from, evacuate or prejudice the 6 act, parl. 3. Charles II. intituled, 'Act anent religion and the test,' or any other acts or laws enjoining the oaths of allegiance or test, to be taken by all persons in public trust, civil, ecclesiastical, or military, all which," &c. as above. This clause, no doubt, was thrown in just to stop the act, and counter the court's design, to bring in papists to places of trust and power. When in the committee, to which this matter was remitted, this draught was voted, the chancellor, finding that it would not satisfy the king, and being uncertain, if even with these clauses it would carry in the house, he saw proper to drop it entirely, and it was never brought into parliament. Indeed the most part of the members by far, were inflexible upon this head, and the court had the mortification to see their darling design in favour of papists, broken by the activity and unshaken steadfastness of many worthy patriots. And the under-

declared, that this immunity and forbearance granted to papists, for the exercise of their religion in their private houses allenarly, shall no ways import any allowance or approbation of their religion, or any ways evacuate, infringe, or prejudice the laws or acts of parliament made against popery, or in favours of the protestant religion, and particularly shall not derogate from, evacuate, or prejudice the 6th act, parl. 3. king Charles II. intituled, "Act anent religion and the test," or any other acts or laws enjoining the oaths of allegiance, and of the test, to be taken by all persons in offices of public trust, civil, ecclesiastic, or military; all which are hereby declared shall continue in their full force, strength, and effect, to the ends and intents for which they were made; and whereunto these presents shall make no derogation in any sort, without prejudice always to the foresaid immunity and forbearance granted to papists for the exercise of their religion in their private houses, with, and under the express limitations and restrictions above-mentioned, and no otherwise.

hand dealing among members, and plain discoveries then made of a ^{1686.} formed design to introduce popery piecemeal, together with the after bold steps taken, when the parliament was up, awakened our nobility and gentry, at least several of them, to a generous concern about our holy religion and reformation, and sensibly prepared the nation for the glorious revolution providence blessed us with two years after this.

That the reader may have some view of the arguments used upon both hands in this important matter, I have chosen to insert in the notes some principal papers handed about at this time, rather than form an abstract of them, because I was not willing to undertake the task of stating a matter of this nicety, and some of the papers never having been published, deserve to be handed down to posterity. The first I insert is, "reasons why a consent to abolish the penal statutes against papists, cannot be given by any who own the government in church or in state." This paper was written, with the assistance of a learned person, some years ago deceased, by John Hamilton then writer in Edinburgh, afterward town-clerk at Irvine, and now general receiver for his majesty of the duties upon stamped paper in Scotland. I have annexed it in a note,* and here I shall

* *Reasons why none who own the present government, can consent to abolish the penal statute. 1686.*

1mo. Because they being guilty of idolatry, as all protestants do agree, in the worshipping of the host, angels, images, &c. and popery is declared to be so, in the 1st parliament of K. Jam. VI. act 111, and act 5; and this being so hateful to God, and peremptorily forbidden, and dreadfully threatened in the second commandment, and so severely punished by God's ordinance, Exod. xxxii. and Deut. xlii. by the law of nature, Job xxxi. 28, and the committers of it excluded from the kingdom of heaven, 1 Cor. vi. and ix. Gal. v. 20. Eph. v. 7. seeing these laws are so agreeable to the laws of God and nature, none can in reason and conscience consent to the abolishing of them, especially seeing all due respect is preserved to our king, who by the law of the land, having none over him, is our supreme ruler; but they ought to be still obliging upon subjects.

2do. Because in the general confession of faith, which K. James subscribed, with his family at Edinburgh, January 28th, anno 1581, the year of his reign 14, and was enjoined by him, that all should subscribe anno 1581, the second of March, and of his reign the 14, and subscribed by all sorts of persons anno 1590, they

1686. take occasion to give a hint of Mr Hamilton's sufferings upon this score, from an information he gave into our last Scots parliament, 1706, now before

were also solemnly sworn before God, to detest and abandon all popish errors, naming them particularly, and to continue in the doctrine and discipline of the church of Scotland, according to the word of God, and established laws (amongst which are the penal statutes) under the highest pains temporal and eternal; and since that time, these solemn oaths have been frequently reiterated by all in authority, yea, by all the inhabitants of this nation, so that none can consent to the taking away of penal statutes against papists, without the greatest prevarication and perfidy, or perjury before God and man, that ever was heard of in the world.

Scio. It is most contrary to the oath of the test, and inconsistent with it, which was established by law in that parliament, wherein his present majesty was high commissioner for his royal brother king Charles II. by virtue whereof our parliament did swear it, and counsellors, judges, all magistrates, bishops, ministers, all officers and soldiers, and others in public trust, and many others, heritors, &c. have taken it. For in it, *1mo.* they solemnly declare, that they profess sincerely the protestant religion, which none can do in earnest, who are not for the securing of it against the open and avowed enemies thereof, by the laws judged necessary to secure it, by our predecessors and ourselves, which are already made, but to consent to the removing of them. *2do.* They swear they shall never consent to any change or alteration contrary thereto, so whatsoever change or alteration (without limitation) contrary to it, is abjured: but the consenting to remove the *penal statutes*, especially in parliament, bringing in at least a toleration for popery by law, which is as contrary to our religion as darkness is to light, is a manifest acting against it, and for popery; and so is notorious perjury. *3tio.* They swear to renounce the pope and all foreign jurisdiction, powers, superiorities, civil and ecclesiastic, while they consent to tolerate papists, and so bring them in place of trust, by consenting to the removing of these *penal statutes*, they yield to them, it makes that part of their oath impossible to be kept. *4to.* They swear to bear faith to his majesty, and to his heirs and lawful successors, which they cannot do in consenting, that these who own another jurisdiction superior to him, in his own dominions, should have penal statutes established by law, taken off them, and especially considering their principles may destroy the succession, of their own nature tend to do it utterly, if it be protestant, witness the holy league in France, and the oath enjoined to be tendered by the second Lateran council, to all in power in church and state of their religion, (*Caransa's Summa Concil. pag. 628.*) *5to.* They swear that they shall never endeavour any change or alteration, in the church or state, established by the laws of this kingdom, which cannot be performed if they consent in parliament to take away these *penal statutes*, against such who profess to be under another government of the church, and are sworn subjects to a foreign

me. This paper of reasons was greatly esteemed by many, who desired it might be printed; but none in Edinburgh would or durst undertake this. Whereupon Mr

power, as all papists are. *6to.* They swear to the utmost of their power to defend, assist, and maintain his majesty's power and jurisdiction aforesaid, against all deadly, &c. as they shall answer to God. How then can any be clear from perfidy, who consent to take away these statutes that secure these jurisdictions to his majesty's person and successors? And finally, that they shall not accept or use any dispensation from any creature whatsoever as to this solemn oath. What a complication of perjuries will be here, if this be consented to? as God forbid.

4to. These statutes have been thought necessary for the securing our religion, by our wise, zealous, and godly ancestors, and they have been confirmed by all parliaments since the reformation, although there was little cause of fear of popery from abroad or at home; but now popery having so prevailed abroad, and being so cruel and raging, and those of that profession being in places of greatest trust at home, and the court and these lands being filled with the emissaries of Rome, and some making defection from the truth, when there is most need to secure our religion, to consent to take these penal statutes away, were not only to encourage apostacy, but is a treacherous breaking down the walls of our religion, and to invite the enemy to enter to destroy us and all our dearest concerns, especially our religion.

5to. His present majesty, as high commissioner for his royal brother K. Charles II. did bear witness to, and consent to the ratification of all these acts, and about the test and religion, and since his coming to the crown, hath passed an act for securing our religion by his commissioner and parliament, ratifying all the former acts and laws for its establishment: wherefore his parliament did render him hearty thanks in a special manner, and he hath promised several times, to defend and maintain the protestant religion, as now professed amongst us, as our bishops and clergy do inform us, which cannot be done, considering the corruption of men, and the subtilty, malice, and diligence of adversaries, the penal statutes being removed, seeing these add force to all laws, and if wanting, will render them ineffectual and contemptible.

6to. It was the love of God's honour and the true religion and zeal for them, and to secure the nation against idolatry, treason, and rebellion, heresy and antichristian tyranny and superstition, and from apostasy, and the preservation of our lives, liberties, and estates, against the enemies of our religion, which were the reasons of these laws, which may be seen by the reading of them; if we then shall consent to the removal of them against these crimes, and for securing these greatest concerns, what crime may not pass unpunished? and what of our greatest interests shall be secured? This were, indeed, not only a condemning of our kings and parliaments since the reformation, but a most remarkable falling from our first love, wherefore God might justly remove the candlestick out of its place, and give us up to all the abominations and delusions of the man of sin.

Hamilton, at the desire of some of the members of parliament, caused double over as many copies as served all the members of parliament, and ventured to send copies

to the commissioner, the chancellor, the bishops of St Andrews, Glasgow, 1686. and Edinburgh, and many other courtiers. The paper extremely galled the managers,

7mo. To consent to the taking away of the penal statutes against papists, removes all the security we have in law for our religion; for the first acts, which are the second and third of parliament first, Jam. VI. *establishing our religion and confession*, are penal against the enemies of it, (to wit the papists) as often, if not always, our laws call them, and all the rest are penal, as any indifferent reader may see, who shall be at the pains to read them; and so we consent to abolish utterly the protestant religion in Scotland, for there is no other law before these for our religion, and likewise we establish popery by law, and all its abominations and tyranny, for all preceding laws now extant, are only in favours of popery, which who can think upon without horror and astonishment?

To conclude all our reasoning, what dishonour would it bring to almighty God, if Scotland, who hath been so much obliged to him for his precious ordinances in so much purity and plenty, and hath so much professed to be for him, and his truth and way, and is so solemnly tied to him and his way, by such sacred and frequent oaths, should, by their consenting to this, betray his interests, might not he say as in Micah vi and 9. "O my people, what have I done unto thee, wherein have I wearied thee, testify against me." And Jerem. chap. ii. ver. 10 and 11. "Pass over to the isle of Shittim," &c. And might he not drive us out of his house for wickedness, and love us no more, and give us a bill of divorcement for ever? And what infamy would it leave upon our nation for ever, as the most foolish, inconstant, and perfidious people that ever the world bore, and how hardening would it prove to our enemies in their abominable way, and what encouragement would it give to them, who are diligent, numerous, subtle, and malicious, set on work by the devil to improve this, to destroy the true Christian religion, and adherers thereto, and to advance and secure all the abominations of antichrist? and what ruin is like to come upon our souls eternally, and the souls of our posterity, by the contagion of these abominable delusions; and what intolerable sting would it leave in the consciences of such as are guilty of this, through fear, ambition, covetousness, or any other corrupt principle, in the day when God shall reckon with them? and what a flying roll of God's wrath and curse will enter into their houses, and pursue them and theirs? Zech. v. 1. But if these considerations, which are most weighty, should be laid aside, yet let all consider, who will in reason credit such who are treacherous in these weighty matters? will such as are false to God, be true to man? Their adversaries shall have all places of trust and preferment; the church-lands shall be rent from them; their lives, liberties, and estates shall be ruined, if they do not list themselves under the banner of antichrist. The sad condition of the reformed in France at the present, and the cruelties exercised in Hungary and in the valleys of Piedmont, and what they have cruelly and barbarously done, even above the pagan persecution in these places formerly, and in the Nether-

lands, Bohemia, Moravia, Cilicia, in Ireland of late, in Britain in the days of both the Marys' reigns, and wherever they have power, may cause us be wary, lest by our folly, timorousness, &c. we bring these barbarities upon ourselves, and utter destruction.

If any should say, It is the king's pleasure, that we should evidence our loyalty in this; it is answered, His majesty's pleasure is publicly declared already, which is to secure the protestant religion in this nation, both while he acted as commissioner in the parliament above-mentioned, and since he came to the crown in this parliament current; and therefore this is to be constructed to be a temptation from the enemies of our religion, who will incessantly labour to induce him to alter his royal resolution and promise, which we hope shall remain inviolable, notwithstanding all their assiduities and cunning, considering his magnanimity and fidelity, which will indeed prove more miraculous (he being steadfast) than all the miracles that that church hath wrought and boasted of, since ever it turned antichristian, considering his near, manifold, and strong temptations; but he will owe nothing of this to them, but to the goodness of God in the royal temper of his spirit. *2do.* His majesty is wise, and knows that the best of laws cannot be secured by men, without penalties, as our lives, liberties, estates, cannot be secured without them, and therefore are secured to us, viz. by penal statutes. *3tio.* His majesty is more princely, than to counsel, let be to command, far less compel his loyal subjects, to act contrary to the solemn oaths made in his own presence and allowed by him, and in doing so, consent to their own ruin, and to the ruin and destruction of all that is dearest to them: and further, in such a case as this, when sin is commanded, all faithful subjects to God, and truly loyal to the king, ought to fear him more that can kill, and cast soul and body in hell-fire, than the greatest of monarchs, who when they kill the body, have no more they can do. Luke xii. 5. To finish this objection, his majesty in his way was constant against the laws established, and his royal brother's command, supposing it would have been sin in him to obey, much more ought we, having the law of God, of the church, and the laws of the land, confirmed by himself, and having his example to countenance us to be steadfast, considering how much it concerns the glory of God and all our interests, spiritual, temporal, and eternal.

If it be said that it is his majesty's tenderness to these of his own religion, that they may be secured from sanguinary laws, that moves him to recommend this to his parliament. *Answer.* His majesty knows, his tenderness is to be extended to all his subjects, who are under his royal care, as well as to them, and we trust he will do it, especially seeing all but papists are under God and his Son, immediately subjected to him, and own no other supreme over these nations, but himself alone. *2do.* We trust his majesty's tenderness to them, will not clash with his fidelity and tenderness to us, in his engaging to defend the protestant religion, which

and strict inquiry was made about
1686. the writers and dispersers of them;
and it being found they had come from Mr
Archibald Nisbet of Carlin, writer to the

cannot be done by men, without the penal statutes, especially seeing the laws are so much alighted, as the mass, which by our law is idolatry and treason, hath been of late frequented openly in the chiefest city of our nation. *Stio.* It is evident wheresoever the popish party prevails, they endeavour undaredly to ruin us and our religion together, and all our concensus, as does appear by the cruel massacres they have made, their bloody inquisitions and persecutions. Now to take away the penal statutes, is to open a door to their preferment and power, to use us after the same manner, which cannot in reason be consented unto, seeing the second Lateran council causes take an oath of all in power in church and state, to extirpate heretics (as they judge us to be) and that under the pain of excommunication, &c. if they be negligent. We trust also, his majesty's tenderness will not be small to his successors, who, if they be protestant, may expect no easy entry to the crown, if they have power, considering their engagements to the pope, and what encouragement they may have from abroad. And finally, his majesty knows, whatever kindness he shows them, that it were very unreasonable, and against all religion and honesty, by his subjects of the protestant religion consenting to what is desired, to bring themselves under manifold perjuries, and in doing so, to put their religion, lives, liberties, and estates in their hands, from whom they may expect so little favour; for experience hath proved, notwithstanding all the penal and sanguinary laws they speak of, there hath not been so much as one papist since the reformation, who did suffer loss of life or limb merely for his religion, and they are authorized by the Lateran council, which they own as infallible, to destroy us, and are daily practising accordingly, where they ever prevail, or have power.

It may be objected by some, that our religion is a holy and meek religion, and needs not those penal and sanguinary laws to defend it, and its professors; for the author of it will defend them, and these laws are inconsistent with the spirit of our religion, which is a spirit of meekness. It is answered, that our religion is that of our Lord Jesus, and he will own it, and defend it, although all should forsake it; yet we judge the gospel doth not destroy the light and law of nature, which teacheth all to secure their religion by penal statutes; and it were a shame to be careless for the security of our religion, which is the only true one in the world, than papists or heathens do for their delusions, and would discover our undervaluing and contempt of it. *2do.* The scripture gives instance of penal statutes or laws, against idolaters, in the Old Testament, and church officers are reprov'd, in the New, for not censuring corrupt doctrines and errors in the church: and it is foretold in times of reformation, "That the kings of the earth shall hate the whore of Babylon, and eat her flesh, and burn her with fire." Revel. xvii. 16. and therefore these penal statutes are consistent with the spirit of the gospel. *3tio.* Seeing the defending of our lives, liberties, estates,

signet, his chamber, where the said Mr Hamilton used to write, Carlin, and the whole writers in his chamber, were apprehended and imprisoned; and when examined upon oath, they all lodged the paper upon Mr Hamilton. Carlin was obliged to present him under a most exorbitant sum. After the parliament rose, and the ferment was a little over, Mr Hamilton did appear, and gave bond to present himself when called, under another vast sum; and finding it unsafe for him to continue at Edinburgh, he was forced to retire to Ireland, till the indemnity next year. For the truth of all this information, Mr Hamilton appeals to the knowledge of a good number of the parliament members 1706, who were so much apprised of this, and his considerable losses upon the score of this paper, that it was gone into unanimously to recommend him to the queen. In prosecution of which recommendation, and for this service done to his country, he had the post he now en-

our chastity, names, the persons of bishops, ministers, by penal statutes, is consistent with the spirit of the gospel, is the protestant religion the only thing that concerns so little, that it should be defended by these? And are these inconsistent with the spirit of the gospel, when they are made for its defence? It is abominable to say so. *4to.* Is it consistent with the spirit of the gospel to bring ourselves under manifold perjuries, and only to ruin our religion, and souls, and bodies, and posterity, and all that is dear to us, by consenting to remove these penal laws, seeing the gospel commands us "to be wise as serpents, and harmless as doves?" *5to.* If God brings suffering upon us, he will give us grace to bear it, while we are in the way of duty; but if we bring suffering upon ourselves, we cannot, in so doing, expect his aid and protection, especially if we consent to the removal of all these hedges, by which our religion hath been fenced since the reformation, for, in so doing, we betray our religion, the protestant successor, and destroy ourselves and the succeeding generation, as much as in us lies, and shall leave our names as a curse to God's chosen; and if these things consist with a gospel spirit, let any judge.

So it is easy to conclude, that none can consent to the taking away of these penal statutes, but these who are already citizens of Babylon, and have drunk the cup of that whore, except it may be a cruel Haman, or a cunning self-seeking Abithophel in the court, or a cursed Achan in the camp, bewitched with the wedge of gold and Babylonish garment, or a Judas in the church, who betrays his master with a kiss, for a little money or preferment; but God forbid that any of our dear countrymen should be of that execrable number, whose wickedness passeth expression, and whose punishment shall be inevitable, and, beyond all human comprehension, intolerable and dreadful to all eternity.

joys conferred upon him. The people who were for the repealing the penal statutes, endeavoured to prevent the impression left by this paper, as to their cause, by drawing up another, and dispersing it, which bears this title, 'Reasons for abrogating the penal statutes,' and I have added it in a note.*

* *Reasons for abrogating the penal statutes.*

This moderate favour being proposed and desired by the king's most excellent majesty, and the estates of parliament having in their loyal and dutiful return to his gracious letter, promised to go as great length to ease his Roman Catholic subjects, as their consciences will allow; it becometh the duty of all concerned, to inform themselves, and to clear and satisfy their own consciences concerning this matter, that as far as may be done without sinning against God, they may yield a dutiful compliance with his majesty's desires, and by so doing, procure from so generous a prince, the more kindly protection and security for our national church, and the reformed protestant religion therein. In order to this, it will be necessary to premise some few rules or grounds, in which all will acquiesce for founding these reasons, which may persuade us to consent to the moderate ease and favour proposed. As, 1mo. That cannot bind the conscience as a divine law, which neither directly, nor by clear consequence is founded on the doctrine or practice of Christ, or his apostles, or of the primitive church. 2do. That which merely obligeth by a human law, may be changed when the reason of the law ceaseth; yea, it ought to be altered in human and christian prudence, when either it becomes inconvenient, or hinders a greater good, or occasions a greater evil. 3tio. No oath whatsoever can bind or oblige to that which is sinful or unlawful to be done. 4to. If a man hath sworn to perform an action, and upon a new emergence, the performance thereof should become the breach of a prior oath, or of a greater duty, the obligation must needs cease, else the oath should prove *vinculum iniquitatis*. 5to. If one swear to do such an act, or not to do such an act, as a mean for a greater end, to which the oath principally relates, if that mean become hurtful and destructive for the end, the oath becometh so far from obligation, that the mean changeth its nature, the obligation to do such an act, and is quite taken off, and ceaseth; no man being bound to destroy the end, by adhering to a mean now become destructive thereof. 6to. If one hath sworn to do nothing to the hurt or prejudice of a person, or an institution not to consent thereunto, this must be understood of such prejudices, as by their own nature and necessary effect, are hurtful to that person or institution. Ex. gr. If one in Britain were sworn to do no prejudice to a nobleman in Sweden, nor to consent thereunto, (which may be a very lawful oath) in case of a war betwixt Denmark and Sweden, should it be thought a breach of that oath in Britain, to sell corn to the king of Denmark for entertaining his army, which is warring against all the Swedes, and that nobleman amongst the rest, and so to concur for entertaining those, that may and will endeavour to kill him? in like manner, if I were sworn to do my best endeavours

It was said to be written by Sir 1686.
Roger L'Estrange at this time, at the
Abbey of Holyrood-house, and contained
the common efforts of the Jesuits and pop-

to keep a church from being burned, and may do nothing which may occasion its being fired, will this oblige me to destroy my house which is adjacent to it, lest by chance it may occasion the firing of that church, or to endeavour to hinder my neighbour from building his own ground near it, upon the like jealousy? 7mo. Kings in Scotland were before parliament, and then all the legislative, as well as executive power, did reside sovereignly in them, and therefore parliaments have no more power nor authority, but what our kings have derived unto them; so that what the king hath not given, but retained, cannot be invaded, usurped, nor resisted, without the highest crime against the sovereign. 8vo. As it is absurd in logic, to argue from a particular to a general, or universal, so it will be unjust in policy, from the fault and guilt of some particular persons, or particular trades or orders of men, to conclude the whole kingdom, or other different societies and orders of men in it, guilty of that fault or crime.

Now from these foregoing grounds or maxims, which seem clear and plain beyond all rational hesitation or doubt, it may be argued in the present case, First. That for a christian magistrate to take away the life or estate of a subject, who is not guilty of sedition or rebellion, nor of injuring the person, goods, or fame of any of his neighbours, but is quiet and peaceable, and contents himself in the private exercise of his own religion, merely for difference of opinion, and private exercise thereof, without disturbing others, to do so, neither is founded directly, nor by any clear consequence, on the doctrine or practice of our Saviour, nor of his apostles, nor of the primitive church, yea, nor on the doctrine or practice of the christian church in following ages, who never urged or persuaded their kings and emperors, when the empire became Christian, to take away the lives and fortunes of open infidels and heathens, who were avowed worshippers of the sun, moon, and stars, and of all manner of idols, of stocks and stones, although these idolatrous heathens, when they had authority and power, did rob, murder, and execute all manner of cruelty against the Christians. Our blessed Jesus taught no such doctrine, but contrariwise, rebuked the fierceness and violence of his two disciples, who would needs imitate Elijah, in calling for fire from heaven to destroy the schismatical Samaritans, who were actually injuring and affronting the Saviour of the world, assuring them that this their cruel and fierce motion was utterly repugnant to his blessed temper, and to the meek spirit of his gospel; but if the first position or maxim be good, then the argument sufficiently evinceth, that we are not bound by any divine law, not to consent to allow those of the popish religion to enjoy their lives and estates, notwithstanding of their difference in religion, and of their worshipping after the Romish manner in their private houses.

If it be said, that our law calls papists idolaters, and the mass idolatry, and that by the law of God idolaters are to be put to death, Deut. xii. 1-5, &c. and ch. xvii. 2-6. Ex. xxii. 20. may be answered, 1mo.

ish priests, in and about Edinburgh, 1686. and probably received its last

touches from Sir Roger. This was carefully handed about and spread among the

That these political and judicial laws, relating to the pains and punishments of crimes, did only oblige the Jews, being most of them calculated for their estate and policies, and lay no bond nor obligation on Christian magistrates, to proceed and punish after their form and manner. All Christian magistrates do punish thieves with death, whom the judicial law of Moses did only condemn to restitution of the double, or of the quadruple, and so consider themselves not to be under the direction, much less under the obligation of the foresaid judicial law. *2do.* The idolaters, who by the judicial law of Moses were to be put to death, were only such as made defection from the true and living God of Israel, to the worshipping of the sun, and other planets, and idols of the Canaanites, and heathens, as appears in Deut. xiii. 5. and xvii. 8. Now the papists acknowledge and own the God of Israel to be the true God, and abhor the worship of sun, moon, and stars, and of the other idols of the heathens; and it is not lawful to extend penal and sanguinary laws to any, but to such against whom they were directly, and *in terminis* designed and intended; lest if way be given to proceed in the execution of such laws, by remote and obscure consequences and inferences, ill-natured and cruel judges shall never want a pretence of hurting and destroying the innocent or less guilty. *3tio.* When idolatry was not in the object of worshipping an idol, but only in the mode and manner of worshipping the true God by an image, the law for putting the idolater to death was never executed for that crime, even in the common-wealth of the Jews. The Danites sinned grievously, who took Micah's image, and worshipped by it, and set up priests, by whom they performed that worship, as is to be read the 17th and 18th chapters of Judges, this being directly against the second command of the decalogue, yet because they intended by that image to worship the true God, who brought them out from Egypt, they were not reckoned to be amongst the worshippers of other gods, nor such idolaters as, in construction of the law of Moses, were to be punished by death, nor did the remanent tribes conspire or make war against them, to punish them, or to exterminate that idolatrous manner of worship, as the Jews' law commanded, to do to such as worshipped the idols and gods of the Gentiles and heathens; and as they actually did in avenging the injury done by some of the tribe of Benjamin to the Levite's wife, Judg. xix. 20, 21. which yet was a lesser crime than downright and gross idolatry; and as they purposed and intended to do against the tribes of Reuben and Gad, and half tribe of Manasseh, whom they thought to be designing defection and revolt from the true God of Israel, by setting up an altar on the other side of Jordan, different from the altar which was in the tabernacle: and yet this way of worship by Micah's image, continued amongst the Danites all the while that the house of God was in Shiloh, and Jonathan the son of Gershom was priest for that service, Judg. xviii. 30, 31. this was near 900 years. And like to the fact of the Danites, was the deed of Jeroboam, in setting up the calves at Dan and Bethel, that by them the Israelites might worship God, which was

also directly against the second command foresaid; and yet God did prohibit his people, who continued firm in their religion and abhorred that idolatrous manner of worshipping God, to punish or make war against the ten tribes for so doing, 1 Kings xii. 24. It is also a consideration worth observing, that even these Canaanitish nations, whom God devoted to destruction, and whom he commanded the Israelites to extirpate, were not so plagued merely for their idolatry, though of the most gross and abominable sort, but also for their other enormous crimes, and crying sins, as appears from God's suspending the destruction of the Amorites, because their iniquity was not yet full, though their idolatries were long before come to the greatest height: but finally, whatever may be in this, it is most certain, that the sentiments of our princes and magistrates have agreed in this, that for the private worshippings of papists, whatsoever kind of superstition or idolatry they stand guilty of, no person hath been put to death since the beginning of our reformation, nor would the severest amongst us at this day consent to punish any papist with death and forfeiture, for worshipping in private, without trafficking to the disturbance of the peace, or to the perverting or seducing his majesty's good subjects from their religion and allegiance; and therefore it seems rather the effect of the humour, than the dictate of conscience, not to consent to the suspension of laws, as useless as hard; and to the execution whereof they that clamour most would never agree.

No obligation then appearing for the execution of severity against papists, for the exercise of their private worship, from any divine law, we would in the next place consider the human laws which may bind us to it; and if we look at the time when they were made, it will be clear that then there was great and apparent danger from the papists, not only to our reformed religion, which was but newly established, but also to the monarchy and government, both of church and state; for then they were through a mistake or dispute concerning the person in which the sovereignty was lodged, whether in king James VI. or his mother queen Mary, contriving sedition and rebellion, and to raise war, both intestine and foreign, so at that time there was good and solid reason for framing and enacting those laws against them; and therefore from the second position the reason ceasing, and the papists being now quiet and peaceable, and we out of all reasonable fears of their plotting or contriving against the king and government, in this reign, all dispute concerning the subject of the sovereignty being now (blessed be God) out of doors, they may be allowed to enjoy their lives and estates, notwithstanding of the exercise of their worship in private houses; and the laws striking against them, may, in so far as relates to that private worshipping, be suspended as to any execution; especially while we consider, that when the reformation was but in its infancy, and the papists much more numerous and dangerous, and no experiment given of their active loyalty and obedience, yet no execution passed then nor ever since, against any of them for private worship; and to fancy that to be

members of parliament. To this succeeded,
 "An answer to a paper written for the ab-

rogating the penal statutes, which fol- 1685.
 lows in the notes below.† One of the

necessary now, which was never executed, (no not in times of greatest danger) is an evidence of some greater inclination to gratify humour and contention, than to submit and acquiesce in the moderate desires of a most gracious king. Again, by refusing to suspend that execution of severities and penalties, in taking away the lives and fortunes of peaceable papists merely for the exercise of their worship in private houses, greater danger and inconveniences shall be brought on our church, and the protestant religion, in so far as this will raise in the king's breast more prejudices against both, and beget unkindness to such as deny his majesty this moderate favour to those of his own persuasion, which cannot prove safe, but very hurtful and inconvenient to both our church, religion, and ourselves; and by denying our consent to this moderate ease, instead of acting for preservation of our religion, we expose it to imminent and apparent danger, and so do inconsiderately run upon the rock which we desire to shun and avoid. Further, to refuse to consent to suspend the execution of laws against peaceable papists for their private worshipping, which have never been, nor (in the judgment of any sober person) ought ever to be executed, will not only prove inconvenient, and hinder greater good that might redound to our church and protestant religion, by his majesty's grace and goodness, (he being gratified in his moderate desires) but will occasion several great and dangerous evils to our religion, as the provoking the king by such unaccountable obstinacy, to make greater changes amongst his servants, officers, ministers, and judges, than otherwise he intends, which he may legally do, all those offices being granted to such as possess them, only during his royal will and pleasure. Again, what changes and alterations may this unreasonable stiffness induce his majesty to make in the external government of the church, and of its bishops and orthodox ministers, to the apparent hurt and danger of the protestant religion, is clear and manifest to any who will be at the pains to read and ponder his majesty's supremacy, as it is asserted by the first act, *scm.* 1. par. 2. king Charles II. *Anno* 1669, and the hazard to our national reformed religion, from the changes and alterations his majesty may make in these, is a thousand times greater than can be by permitting peaceable papists to enjoy their estates and lives, notwithstanding of the exercise of their private worship, which they have done ever since the reformation, without any hazard of our own religion; so that these, who refusing what they may grant without danger, do draw a great and inevitable danger and prejudice to our religion, contrary to the intendment and design of our oath in the test, and all our other obligations, which bind and oblige us to its preservation. Nor do I see how it is possible to avoid the scandal of having that impious and unreasonable tenet and position, of founding dominion and right of property in grace, charged upon us, if we assert the very lawfulness of taking away the lives and estates of papists, merely for their opinions and religion, and private worshippings, which is a wild fanatical doctrine, frequently condemned in scripture, and reprobated by all reformed churches.

Was not the cruelty and severity of the Romish church, against those who differed in opinion and religion from them, and yet lived quietly and peaceably, one of the impieties and greatest immoralities we justly charge upon them, and on which, amongst other things, we founded our separation from them? and is it possible, without scandal and just reproach, to maintain and justify by our law, what we declared impious in the practice? This indeed could not be pleaded, when these severe laws were made against papists at the beginning of our reformation, because they were libelled against their seditious and treasonable designs and practices, (which proceeded mainly upon the forementioned mistake or dispute) rather than against their religious sentiments and worship; for the papists were then seditious, and the priests trafficked for foreign invasions, and preached open treason, stirring up the subjects against the king, which now none can pretend to be our case: and how can we condemn the persecution in France, or the French king's method in forcing men's consciences, and obliging them to part with their religion by dragoons, and all manner of cruelties, whereby he reduces peaceable subjects to the greatest miseries and hardships, because they differ from his religion? May not that persecuting prince justly upbraid us, as forcing the peaceable subjects of his persuasion, and violenting their consciences, by taking away the lives and fortunes, or continuing laws against them for so doing, merely for their private worship, according to their consciences, though they are quiet, loyal, and peaceable in all their practices and demeanors?

From the fourth position or maxim, it may be further argued, that by refusing to consent to this moderate ease to papists, a most dangerous, and almost incurable blow and wound may be occasioned to the protestant church and religion; for if the king please, (and if he be irritated and provoked, it is hard to say what his majesty will do) he may, without violating of any law, at one stroke, remove all protestant officers and judges from the government of the state, and all protestant bishops and ministers from the government of the church, and so the whole government both of church and state, may come to be lodged in the hands of such as can not be judged so friendly to the protestant interest; and is not the extrusion of protestants from all power or authority, either in church or state, a greater hurt and prejudice to our religion, than any thing that can ensue upon a few papists enjoying their estates and lives? Nay, and what if his majesty should proceed, upon this just provocation, to fill all those places with papists? if he should, we must submit, and are tied by our principles and religion not to resist, it being a chief and essential position in our holy religion, to render active, or (where we cannot do that) passive obedience to the supreme magistrate; and howbeit danger should arise to these papists, who should embrace and exercise these offices and employments upon some events; yet this will neither remedy the prejudices, which in the meanwhile are done to the church and the protestant religion, nor indeed excuse us from the guilt and crime

1686. most pointed papers I have seen upon this head, and which I have some rea-

son to think was penned by one, who, since the revolution, was an eminent presbyterian

of hazarding and hurting our religion, in so far as we unnecessarily give any occasion for it. As for such, who in a morose humour please themselves, by saying, if we consent not, it is no act of ours, it is the king's, let him look to it, albeit, as is said, by doing what we safely may, the evil may be prevented or lessened. Let us consider how opposite this is to christian prudence, which, in many cases, is more our duty than either force or mistaken zeal, which oftener burns than enlightens or warms.

According to the first position or maxim, it may be thus argued, that though the oath of test did, by a hidden or remote inference or consequence, bind us up, or oblige us to refuse to grant this moderate ease desired by the king, in favour of his popish subjects, as believing, that the keeping up of the vigorous execution of laws against papists, even for their private worship-pings, is one of the means for preserving of the protestant religion, yet this mean becoming hurtful and destructive to the great end, viz. the security and preservation of our protestant church and religion, the obligation of the oath, as to that mean, would seem necessarily to be loosed, especially when our obligation by the test to this mean, is at best very dubious and uncertain, it being so very remote a mean, (if any at all) that it needs three or four inferences, ere it can be forced to have any kind of contingency, for serving and promoting the great end designed by the oath of the test; but let us ponder impartially the grand scruple arising from the test, and we shall see it founded on these words in it—"and shall never consent to any change or alteration contrary thereto"—from which some infer, that we are sworn against granting our consent to suffer any papists to enjoy their lives and estates, if they exercise their worship in private houses; but when these words are seriously considered, it will appear, first, that the change and alteration sworn against, is the change and alteration of the protestant religion itself, or of any of the necessary and essential doctrines of the protestant faith and religion, as the words themselves, being referred either to the antecedent or consequent clauses in the oath of the test, do with sufficient evidence import; for this change must be directly contrary to the forementioned religion, pointed at by the particle "thereto" and the subsequent words, "I renounce all such doctrines, principles, &c. popish or fanatical, which are contrary to, and inconsistent with the said protestant religion," &c. do, with great evidence, point out the alteration sworn against, to be an alteration of the protestant doctrines and principles. Now, none will imagine, that to consent to the papists enjoying their lives and estates, as aforesaid, is to grant consent to the alteration of our reformed religion, or any essential doctrine thereof; indeed, it is so far from being an essential or necessary article, principle, or doctrine of the protestant religion, to make our own laws for taking away the lives of any peaceable subject, for his private opinion in religion, or private practice in worship, that it will rather appear on the other side, to be one of these popish or fanatical principles and doctrines, which, by the oath of the test, we are

bound to renounce and disown. To own this principle to be a part of our religion, were to misrepresent our peaceable, holy, innocent, meek protestant religion, as the most cruel and sanguinary institution in the world, and to condemn all our excellent and wise predecessors the reformers, who never put in execution, even in the times when the papists were most numerous and formidable, and most active in their plottings and conspiracies against our religion and government, (upon the mistake aforesaid) those laws called penal or sanguinary, for the private exercise of their worship in houses. *2do.* By the consenting to the immunity of papists, from the execution of these laws, we do not consent to take away, repeal, or abrogate any law, penal or sanguinary, whatsoever, (these standing still on the file unrepealed) so that by this consent we do not allow the alteration or repealing of any law whatsoever, but only grant to a few popish subjects, such a small and inconsiderable immunity, as hath in all former reigns been granted and indulged to them by our wise and religious predecessors; and which, even the most scrupulous themselves, in their private sentiments, think, ought not to be put in execution against them, as they believe they will never be called in question, nor punished for their private worship, in any subsequent reigns: but *3tio.* admit this to be a consent to some change and alteration about the laws relating to the protestant religion, yet it is such a change and alteration, as is not contrary nor prejudicial to its security, interest, or preservation; but is indeed advantageous and beneficial to it, and preservative of it, in so far as, by yielding our consent, we show our loyalty and duty to the king, by an humble compliance with his moderate desires, in favour of a few subjects of his own persuasion, which will incline his sacred majesty generally to protect our established religion and church, without suffering any encroachment upon, or violation of them; whereas, by refusing our consent to his majesty's moderate desires, we shall evidently hurt our religion, by endeavouring to maintain an impracticable mean to support it, and so while we seem to hate popery, we become truly unkind to the protestant religion.

The sixth maxim or position seems an irrefragable truth, else most absurd consequences might be bound upon us, from all promissory oaths. If the test should be extended as some would, then one could not give charity to a starving papist, for hereby he might be helped, and even, by saving his life, we might reserve one who would prejudice our religion, and is it not as great a breach of christian charity to take a man's estate from him, as to refuse to give him a part of mine? No protestant, having sworn the test, should swear, lie, steal, commit adultery, &c. nor indeed commit any kind of immorality, in commission whereof there is wickedness and guilt enough: but perhaps it was not till now discovered, that the guilt of perjury is superadded to every one of these sins and crimes in any one who hath taken that oath; for, by these sins and immoralities, great prejudice is done to, and great scandal is brought upon the protestant religion, and indeed the practising them is more

minister, now with the Lord, is a letter from the heritors of the shire of

to their member of parliament, June 7th, 1686. It is indeed a little pro- 1686.

hurtful to our holy profession, than to consent that a peaceable papist be suffered to live and enjoy his estate beside us, who perhaps makes conscience to avoid such scandalous and uncontroverted branches of the moral law; indeed it is sad to find fancy and humour straining after such rude and unnatural consequences, and gilding them over with the fair pretence of scruples of conscience.

The seventh proposition or ground is mentioned to put all in mind of their obligations to give submission when the king exercises what he legally may by his prerogative, and from thence to consider how much we are bound by Christian prudence, and even, for the sake of our religion, not to provoke the king's majesty, either to hurt us, or to be unkind to us, or to alienate him more from that religion which he offers graciously to protect, and which grace we ought not to requite by urging the keeping up of severities against those of his own religion, which we ourselves say we would abhor to execute, if we could, and which we cannot, if we would, until first we renounce obedience to God's command, and submission to our sovereign magistrate, by resisting, if not overthrowing his sacred authority and power. And since none can suspect this loyal parliament, nor any members of it as guilty of the least tendency to such seditious practices, they having so signally testified their abhorrence of them, and are amongst the happy instruments which have suppressed them and others; yet since the beginnings of evils are often small, when their growth and events may prove fatal, and that as certainly as great mischiefs must needs arise from the least appearance of unkindness betwixt the king and his parliament, and that these will be a curse to posterity, who shall contribute the least accession to it. And on the other hand, that the spirit of moderation becometh Christians, calmness and discretion become subjects in all their dealings with their sovereign, and that the greater invitations we give our king, by these virtues, the greater assurance we have of his protection to our religion; and that the preservation of the present great peace and tranquillity which we enjoy, is a weighty charge on the conscience of every man that is a member of parliament.

These considerations, it is hoped, will move and prevail with all good Christians, all good subjects, and all good countrymen, to consent to the king's moderate proposal and desire above-mentioned, which came to these of his own religion, his majesty may grant without our consent; and yet, as a gentle and moderate father and governor, he desires to give it with the consent of his parliament. Let us not, by denying what we cannot hinder, lose the greatest blessings and happiness which we may retain, that king and people may still live in that happy and good understanding, which may continue and crown the sweetness and easiness of his royal government over us, and of our tranquillity, property, and happiness under his shadow.

It were to lose time and travel to answer to idle and frivolous objections made and contrived against this concession, founded very unchristianly on the practice of the Jews against those nations whom they were commanded to extir-

pate and root out, by immediate and express precept, no more imitable than the stealing of the Egyptians' goods, no more binding by command, than their other judicial laws, which expired, as to their obligation, with the period of the Jewish church and policy, or rather than their extraordinary actings upon immediate and extraordinary commands, and even secret impulses altogether become unwarrantable under the gospel and Christianity, or from the impracticable, improbable, and uncharitable may be's, that the papists will dethrone the king, or cut our throats, from which the number and practices in this kingdom, with many other specialities and circumstances render us secure, besides, that all the papists in this kingdom (as is credibly informed) are ready to disclaim and renounce any deposing doctrine or canon, by the court, or by the church of Rome, as to emperors or kings, but it is not to be thought, that any thinking, judicious, or considering man will be startled or amused with such weak, ill founded, and inconcluding arguments, especially when they shall put them in the balance with the great and forcible clear truths and advantages which lie in the opposite scale.

† *Answer to a paper writ for abrogating the penal statutes.*

Reflection 1. It is to be observed in general concerning that paper, 1mo. That the drift and design thereof, if not of its author, is a far more gross and horrid thing, than he hath the impudence or boldness (though this be great enough) openly and professedly to own. To give instance of this in a few particulars. 1mo. He pretends to plead not for taking away, repealing, or abrogating the penal statutes against papists, but only for a suspending of the execution of them, and yet, in the very same paragraph, he does more than tacitly insinuate, that the making or owning of these laws is the effect of a popish or fanatical principle, and a misrepresenting of the protestant religion, as the most cruel and sanguinary institution in the world; he affirms, that the persecuting French prince may justly upbraid us, as forcing peaceable subjects, and violenting their consciences, by keeping up laws against them for their private worship, &c.; he calls the penal statutes useless and hard; and he asserts, that we cannot execute those penal statutes, though we would, till first we renounce obedience to God's command, &c. and could any papist more condemn these penal statutes, as being most unjust and iniquitous in themselves, than this author doth by these expressions? Now if the presuming to interpret a law, or oath made by law, to the prejudice of its native sense, was made a ground of criminal indictment, and forfeiture of life and fortune, what deserves he who so basely slanders standing laws, and also spreads abroad his gross slanders thereof? 2do. He pretends only to give reasons for allowing papists the exercise of their idolatrous worship in private houses. And 3tio. For allowing the private exercise of their worship only, who profess that they worship the true God; and yet by alleging, that our blessed Jesus taught no such doctrine, as that kings and emperors, when the empire became Christian, should take away

1686. lix, yet it contains such an abstract of what can be said upon this head, and so proper overtures for the parliament

as this juncture, that I reckon it deserves a room in the notes.†

Thus the reader hath some view of the

the lives and fortunes of open infidels and heathens, who were avowed worshippers of the sun, moon, and stars, of stocks and stones, &c. and by drawing an argument to press his purpose from that allegiance, and divers things of that nature, he does plainly plead for tolerating the most public practice of idolatry, and of idolatry committed against the first as well as second command of the decalogue. And if brevity were not intended in their reflections, it were easy to make it out, that his other arguments for allowing papists the private exercise of their idolatrous religion, do, with equal strength of reason, militate for allowing the open and public exercise of heathenish idolatry. 2do. It is to be observed in general anent that paper, that the author permits several (as he calls them) rules or grounds, and upon these he pretends to found his reasons for persuading the parliament to consent to what he pleads for, and after he hath set them down, he commends them as maxims which seem clear and plain, beyond all real hesitation or doubt; whereby, to deceive the simple, he would have men believe, that his reasonings, in the case he debates for, depend upon certain and indubitable rules and maxims, whereas his inferences and deductions from them, in so far as there is truth in them, have no more connection with them, nor dependence upon them, than darkness hath with and upon light, or falsehood with and upon truth, as is evident to any judicious discernor, and shall afterwards be made to appear. 3tio. It is to be observed, that as he highly extols his own reasonings, so he speaks contemptuously of the reasons given against that he debates for, and shamelessly misrepresents the same, saying, that they are founded very unchristianly on the practice of the Jews against those nations whom they were commanded to extirpate, &c. but what person of any judgment ever founded reasons against granting an immunity to the practices of idolatry, upon that practice of the Jews? can the author tell us of any?

Refl. II. If his first position be compared with his inferences therefrom, it is evident, that he asserts, that there is nothing in the doctrine of Christ, of his apostles, or of the primitive church, for taking away the life or estate of idolaters, for the exercise of their idolatrous worship: which, if it were true, it would make no more for allowing the private exercise of idolatry (which is that our author is advocate for) than the public exercise thereof, there being as little in the doctrine of Christ against allowing the public as private exercise of idolatry: but that assertion of the author is manifestly false; for, by the doctrine of the New, as well as Old Testament, the magistrate beareth not the sword in vain, "for he is the minister of God, a revenger to execute wrath upon him that doeth evil, Rom. xiii. 4. and idolaters are ranked among the very chief of evil doers, 1 Cor. vi. 9. Gal. v. 20, &c. and Rev. xvii. 16. John foretells it, as that which God requires of, and approves in the kings of the earth, in times of reformation, that they shall hate the Babylonish whore, and make her desolate and naked—and shall burn her with fire; a just punishment upon her who made, and

cruelly executed laws, for burning to death the innocent saints of God. And though there were no such passages in the New Testament, yet the author's argument would be wholly fallacious and inconcludent: for it might as well be argued, that murder, sodomy, witchcraft, incest, &c. are not punishable with death, by any law of God under the New Testament, since there are no penal statutes against these crimes, either expressly set down in the doctrine of the New Testament, or by direct and immediate consequence deducible therefrom; but it is a sufficient ground and warrant from the doctrine of the New Testament, for the capital punishing of these abominations, so also for the capital punishing of idolatry, that there is under the Old Testament, a clear law of God grounded upon moral equity for the capital punishing of the one as well as of the other. And Matth. v. 17. "Our Saviour came not to destroy such laws," but continues them in their full authority and vigour. And as for the doctrine of the primitive church, about the punishment due to idolaters, we may know what it was from the first canon of the Eliberin council, convened about the end of the third century, which expressly asserts, that idolatry is *crimen capitale*, a capital crime. But,

Refl. III. To elude the obligation of the law of God, under the Old Testament, against idolatry, the author allegeth, that it was only "a political and judicial law, which did oblige only the Jews, and was intended only against such as made defection from the true God, to the worship of the sun and other planets, &c. and that it was never executed, even in the commonwealth of the Jews, upon any who were guilty only of idolatry, in the mode and manner of worshipping the true God by an image, &c. Though this, which the author says, were true, yet it would make nothing for his purpose, since it is irrefragably made out by our divines, both of old and of late, that papists, by their worshipping a piece of bread, and other far more contemptible objects than the sun and moon, or any of the planets, are as guilty of idolatry as the heathens were, and do worship another than the true God no less than they did; but all which the author, on this head, saith is palpably and notoriously false: for the law of God, under the Old Testament, against idolaters, is grounded upon such moral equity, and immutable perpetual reasons, as agree to the state of the church under the New Testament, no less than to the state of the church under the Old, as will be evident to any who shall read and consider the xiii and xvii chapters of Deut. and Job xxxi. 28. Job, who was not under the judicial law, nor acquainted with it, yet knew and affirms, that idolatry is an iniquity to be punished by the judge, viz. because it is a denying of the God that is above, which reason is perpetual and immutable, and holds true of the popish as well as heathenish idolatry, the former, as well as the latter, being, in the very matter of worship a denying of the God that is above; so that the very grossness of the sin clearly determines the punishment due unto it; the law against idolatry being manifestly of a moral equity. What our authors affirm of the non-execution of it, under the Old Testament, against

procedure of parliament, about this important affair. Though this protestant parliament

thus stuck at the repeal of the statutes 1686. against popery, yet the king did not

such idolaters as professed that they still worshipped the true God, though it were true, it makes nothing for his purpose, it being as concludent for the open and public, as private practice of idolatry, but besides it is evidently false; for the Israelites, in their worshipping the golden calf, professed that they worshipped the true God, *Exod. xxxii. 4, 5.* and yet *ver. 28.* at the command of Moses their then magistrate, there were about three thousand of them put to death for that sin: and the Jews, when they worshipped Baal, professed that they worshipped the true and living God of Israel, for it was him they called Baal in that worship, *Hos. ii. 16.* and yet there are many known instances of the magistrates punishing those idolaters with death according to the law. The two instances which our author adduces to prove, by a new kind of logic, his vile negative, that the law was never execute against such idolaters, as professed that they worshipped the true God, not only prove not this, but are also nothing at all to his purpose. His first instance, of the other tribes their not punishing the Danites, for their idolatry, in the matter of Micah's image, makes nothing for him, till he both prove that the Danites were then under the jurisdiction of the other tribes, and also if they were, that the other tribes transgressed no law of God, and did not sin by their not punishing the Danites, which he hath not proven, nor ever will. As little, and far less to his purpose is his second instance, taken from the Lord's prohibiting the house of Judah and Benjamin to make war against the ten revolted tribes, *1 Kings xii. 24.* for God did not prohibit them to make that war, as if it had been intended for punishing the ten tribes for their idolatry, in the matter of the calves at Dan and Bethel, as this author, to deceive the simple, shamelessly asserts; since the text expressly says, that the war was intended to bring the kingdom again to Rehoboam, *1 Kings xii. 21.* and the calves were not set up at Dan and Bethel, till after that intended war, *1 Kings xii. 25, 26, &c.* But though the practisers of that idolatry professed that they worshipped the true God, yet that it deserved capital punishment, appears by king Josiah's offering, upon the altar at Bethel, the priests of the high places, that burned incense thereon, and his causing men's bones to be burnt on it, according to what, long before that time, had been foretold of that pious king and zealous reformer, *1 Kings xiii. 2.* with *2 Kings xxiii. 26.* That which the author alleges, of the kings and emperors, when the empire became Christian, that they took not away the lives and fortunes of open infidels and heathens, who were avowed worshippers of the sun, moon, and stars, &c. though it were true, it makes nothing for what he undertakes to give reasons for, it being as concludent for allowing the public as private exercise of idolatry, and of the very grossest of pagan idolatry, as was before observed: and besides it makes nothing for this author's purpose, *Imo.* Because, at that time, the church was to be constitute and gathered out of the heathenish world. *2do.* Because there were then no standing human penal laws against idolaters. And to argue from the practice of the magistrate in such a state of the

church, to what should be in the practice of the magistrate in a church constituted, reformed, and having its reformation fenced with human penal laws of long standing and continuance, is base and silly sophistry. That which our author further adds on this head of the execution of these penal statutes, that no person hath been put to death, since the beginning of our reformation, "for the private worshippings of papists" (he might have added, "nor for their public worshippings either") it is very easily discovered to be nothing for his purpose, but to make very much against it. For *Imo.* Though the penal statutes have not been execute upon papists, yet there was not an immunity granted to them by our pious and wise predecessors in all former reigns (as he shamelessly says there was.) For *2do.* there is a great difference betwixt the non-execution of a law and the magistrate's granting and indulging an immunity to the transgressors thereof. The magistrate may be very tender of executing a penal statute, while yet there are many and weighty reasons why the statute should continue in its full force and vigour, and without being any way innovated and restricted, and the present case is a pregnant instance of this: for though our papists give out themselves to be, and this plea for Baal often insinuates, that they are not what they are in France, Savoy, Spain, &c. but meek lambs, innocent and harmless creatures (such as they were in the reign of the two Marys, and the Scottish papists were, in corresponding with Spain, in the time of the armada and the English papists, in plotting the gun-powder treason, and the Irish papists in the cruel massacre of Ireland) yet any reasonable pretence they have for giving out themselves to be such meek lambs, or he, for insinuating that they are such, is, because these foxes and wolves have been, and are so chained up by our laws, as to be incapable of doing us hurt, without the fear of being afterwards rewarded according to their deeds; and the continuance of those laws in their full force, hath been, and is an awe-band upon them, to restrain them from seducing those of the reformed religion, and from destroying our kings when protestant, our religion, our liberties, estates and lives, a work which their principles and antichristian spirit strongly prompt them unto, and which accordingly they practice in all places where they have the power to do it, as they will quickly have in Scotland, though the penal statutes be not taken away, if those statutes be so innovate and restricted, as not only parliamentarily to allow them the exercise of their idolatrous religion, in private houses, but also to put them under the protection of his majesty's laws, yea, if the execution of those statutes be but by law suspended. *2do.* That the penal statutes against papists have not, since the reformation, been executed, by putting any of them to death, is so far from being an argument for taking those statutes away, or relaxing them, that it is a strong argument to the contrary: for protestants not being of that bloody spirit, which is diffused through all the members of antichrist, have never set up any bloody inquisition against papists for the private exercise of their religion

1686. stop his design for overturning our religion, but pushed it boldly by his

own dispensing power, as we shall hear upon the next section.

(as papists do against protestants :) and it is the way of protestants, in meekness, to endeavour the reclaiming of papists, and to execute penal statutes only upon seducers to popery, and such as, after due means of conviction used towards them, and after long forbearance, remain altogether obstinate and irreclaimable; so that, from the standing of the penal statutes against them, in their full force, there is no ground to fear that any cruelty and unjust severity shall be, by protestants, exercised against them: and since papists experimentally know this, they having had the private exercise of their religion, in all former reigns, without the forfeiture of the life or estate of any one of them, as far as this author affirms; and since also he, as advocate for them, acknowledges, that the most scrupulous believe, that the papists will never be called in question, or punished for their private worship in any subsequent reign, it must be some other thing than the securing of themselves in the mere private exercise of their religion, which they design, by seeking with such earnestness, by such various arts and methods, to have these penal statutes taken away, or suspended in the execution of them; and what that other thing is, they hereby design, is in the present circumstances but too easy for any to understand, who will not wilfully shut his eyes.

Refl. IV. While the sophist pleadeth for the taking away, or legal suspending (which, upon the matter, and in regard of effects, will be nigh all one) the execution of these penal statutes, by affirming, that in the judgment of any sober moderate person, the execution of these laws never ought to be exacted, and that even the most scrupulous themselves, in their private sentiments, think these laws ought not to be put in execution against papists, and that protestants themselves say, they would abhor the execution of these laws; and he does plainly accuse them as most unjust and abominable, though elsewhere he commends them, as having been enacted upon very necessary and good grounds and reasons: but though it be his scope to render them detestable, (any commendation he gives of them being only to decline envy) yet this is a silly sophism to reach that scope; for just so he might reason for taking away, or suspending the execution of penal statutes against murderers, and other most criminal offenders, because, when the law is executed upon any such persons, men who retain human bowels have a natural abhorrence of the misery the malefactor suffers, as a protestant would have of the misery of a papist, upon whom the law is executed; but as in the former case, so in this, there would be no abhorrence of the execution of the law, as unjust.

Refl. V. Our author argues (to purpose indeed, but nothing to his own purpose, yea, very much against it) from the cruelty and severities of the Romish church against protestants; and to make his argument the more pungent, he moves this question, "Is it possible, without scandal and just reproach, to maintain and justify, by our law, what we declare impious in their practice?" To which I return for answer a few questions. Do we declare it impious in the practice of papists to make, or execute laws

against idolaters, or are we idolaters? Was it possible for the pious and zealous kings of Judah to maintain and justify the law of God, and their executing it against idolatry, if they declared the statutes of Omri, and of Ahab, and the cruel execution thereof against the true worshippers of God, to be impious? The author's question, if the vigour be taken off it, is plainly this: Is it possible, without scandal and just reproach, to maintain and justify our penal laws against popish idolaters, if we declare it impious in them to make and execute laws for the cruel butchering of the innocent saints of God, for nothing else but their owning and adhering to the true worship of God? Indeed, the barbarous cruelties practised against such by papists wherever they have power, do not only justify our law, but also do cry aloud for keeping it up in its full vigour.

Refl. VI. The oath of the test, hath from pulpits been cried up as an invincible bulwark against popery, and by the supposed author of that paper, as much as by any; it being very rationally presumed, that those who have taken an oath containing so clear and strong an obligation, constantly to adhere to the protestant religion, and never to consent to any change or alteration contrary thereto, would never arrive to such a height of unparalleled impudence and debauchery, as to consent to the framing a law tending to the prejudice, far more to the overturning of the protestant religion. But now this author hath fallen upon methods to elude the so pregnantly clear and strong obligation of that oath, and to play the pope, by giving the dispensation of his sophisma, for losing all the obligation of that so solemn an oath, and to make that bulwark of the protestant religion, so often commended and celebrated as impregnable, to be no stronger than if it were made of straw. For this end, first, Having in the first page of his paper, laid down several positions and maxims (as he calls them) about an oath, the chief of these he pitches upon for eluding the obligation of the test, is the fifth, viz. "If one swear to do such an act, or not to do such an act, as a mean for a greater end, and to which the oath principally relates; if that mean become hurtful and destructive to the end, the oath is so far from remaining obligatory," &c. This we admit in case the mean, of and in itself, and intrinsically, become hurtful and destructive to the end, but not if it become hurtful and destructive thereunto, only extrinsically, occasionally, and accidentally: otherwise I should be free of my oath of allegiance given to my lawful prince, when in the case of an usurper, who hath got the power in his hands, my oath shall, from an extrinsic cause, and accidentally become hurtful to the ends I swear it for; and many such instances may be given. Yea, if the author's position in the second sense (which is the only sense that makes for his purpose) be admitted, it is the way to evacuate all oaths. But we learn from the scripture, Psal. xv. 4, that a conscientious man, albeit he never swears to his own hurt as the end, but does in swearing an oath propose some good to himself, yet when he hath by a lawful oath engaged himself to that which accidentally turns to his hurt

Mr Archdeacon Eachard gives a very just account of the king's designs, in publishing

the repeal of the penal statutes, in 1686. this parliament. He observes, 'that

he notwithstanding changeth not. The author's quibbling in his position with the principal end of an oath, is nothing to his purpose; for in the oath of the test, men's principal end was, at least should have been, the glory of God, and he would pitch upon the mean that is become destructive thereunto. Are the penal statutes against popery become destructive to the glory of God? The author having taken the foresaid position for the major of his argument, in the second place, for eluding the oath of the test, he subjoins, "That the keeping up of the vigorous execution of the laws against papists, is become hurtful and destructive to the great end of the oath of the test." Whereas it is to be noticed, that instead of saying, "the keeping of the laws against the papists," (which is the thing in controversy) the sophist hath subtilly substituted the dead child for the living, viz. "the keeping up the execution," and "the vigorous execution too" of these laws; albeit this be not the thing in controversy, and himself hath often harped upon this, that the laws against papists, not only are not, but also since the reformation have not been at all executed against any one papist: but the subsumption he should here have made, is supplied from his long harangue upon the great danger and inconveniences shall be brought on our church and the protestant religion, by the parliament's refusing to suspend the execution of penal statutes against popery, and the only proof of that great danger, is drawn from what the king's majesty may, and in probability will do, if he be irritated by the parliament's refusing to suspend the execution of these laws. For answer, let it be considered, 1. That since his majesty's high commissioner came to Scotland, we have heard several sermons preached before his grace, and one of them by the supposed author of the paper now under consideration; in all which sermons we have been pathetically warned, to take heed of all suspicions, jealousies, and fears of his sacred majesty, as though, according to his promise, he would not maintain and defend the protestant religion and laws made in favours thereof: but now the author of that paper gives us the terrible alarm, that there is no less hazard than of destruction itself to the protestant religion, if the parliament relax not the laws made for defence of it, and do not (as Delilah dealt with Samson) cut off the annexed penalties, wherein their strength lies. 2. Let it be considered, that never any prince was set forth under a worse character than our sovereign, so much commended for his fidelity, equity, and justice, is set out by this author, while he tells us, that if the parliament refuse to do what they justly may and ought to refuse, his majesty may be so provoked and irritated as to do all the mischiefs to the protestant religion mentioned in the author's long harangue. Now, if *scandalum magnatum* be petty treason, what must so horrid a slandering of our gracious and dread sovereign deserve? But 3d, Though it were true (as far be it from us to think so) that his majesty may be so irritated by the parliament's refusing to suspend the execution of those penal statutes, as to do all the hurt and damage to the protestant religion the author recites, yet this is no shadow of rea-

son to prove, that the keeping up of those penal statutes, is now become hurtful and destructive to the protestant religion. For, 1. If the king's majesty were of such an unjust, passionate, and furious disposition, as this base slanderer of him does more than obliquely point him out to be, and if thereupon he may, when irritated, do such hurt to the protestant religion, while it is fenced with those penal laws: may he not do much more hurt thereunto, when that fence is either taken away or weakened, if he shall be irritated by a parliament refusing to grant what he may further seek of them afterwards in favours of the popish religion? And considering how unweariedly active papists will be in vexing his majesty with their solicitations for advancing their religion, who can tell what he may further propose to parliaments in favours of it? 2. If the king's majesty, upon his being irritated, should do all that mischief to the protestant religion (which far be it from us so much as to imagine) yet this would no more make the keeping up of the penal statutes a mean destructive to the protestant religion, than a hedge becomes destructive to a vineyard, or a wall to a besieged city, when men become angry with these that keep it up. It is a piece of very great nonsense to say, that laws made in defence of the protestant religion, and in their own nature not only subservient, but necessary to the defence thereof, can become destructive, or so much as hurtful to it in any case. If the protestant religion be destroyed, it is certainly some other thing than these laws kept up, that destroys it; yea, it cannot be destroyed till these laws be first destroyed, either by taking them away, or relaxing them, or by acting contrary to them if standing. In the third place, for eluding the obligation of the oath of the test, the author says, "That by consenting to the immunity of the papists from the execution of penal statutes, we do not consent to repeal, abrogate, or take them away (they standing still on the file unrepealed) yea, we do not allow the alteration of any of them," which is plainly as great nonsense, as to say, that by consenting to the immunity of thieves, murderers, witches, or other most criminal offenders, from the execution of criminal laws made against them, we do not consent to repeal, abrogate, or so much as to alter any way those laws. What do penal laws signify, if by law immunity be given to transgressors of them, from the penalty annexed to them? In the fourth place, for eluding the obligation of the oath of the test, our author nibbles and quibbles (none can know to what purpose, except it be to deceive) about these plain words in it? "And shall never consent to any change or alteration contrary thereunto." In his descanting upon which words, he says, that when they are seriously considered, it will appear that the change and alteration sworn against, is the change and alteration "of the protestant religion itself, or of any of the necessary and essential doctrines thereof." And whoever thought otherwise, who but slightly considered these words? But withal even to them who curiously and slenderly consider them, it will appear, that not only the change and alteration of the protestant religion

1686. the king, to feel the pulse of his subjects in England, resolved to

raise a superstructure of arbitrary power in Scotland, in which he had laid the found-

itself, but also every change and alteration contrary thereto, is sworn against in them. And there may be changes and alterations, many and great enough, contrary unto the protestant religion, though itself be not changed and altered. Has not God preserved the protestant religion itself, notwithstanding that many changes and alterations contrary unto it have fallen out? And will a change either of, or in laws made in defence of, the protestant religion, be no change and alteration at all contrary unto it? But the author subjoins, "that none will imagine, that to consent to the suspending of the execution of penal statutes against papists, is to grant consent to the alteration of our reformed religion." This which he saith, is as if one should say, that none will imagine, that to consent to the throwing down a wall about a besieged city, or pulling up a hedge about a vineyard, is to consent to any change or alteration in the vineyard or besieged city. Our religion being considered (as in the present case it ought to be) as fenced with penal statutes against its enemies, will there be no change and alteration at all of it as such, or if none of itself, yet would there not be any change or alteration contrary unto it, if it be denuded and deprived of that fence? The words of an oath are to be taken, and by conscientious men will be taken, in the most comprehensive sense the words will natively bear, and not in the narrow or distorted sense which the quibblings of perverse men put upon them. But, in the last place, the author utterly throws down the obligation of the oath of the test, and the strong bulwark of the protestant religion, with one very frightful and terrible blow, viz. by a thundering assertion, that "to make or own penal statutes against papists, appears rather one of these popish or fanatical principles and doctrines, which by the oath of the test we are bound to renounce and disown, than an essential or necessary article, principle, or doctrine of the protestant religion. I know none, (nor I think the author either) who holds it to be an essential article of the protestant religion, to make or own these laws, though the Christian (which is the protestant) religion warrants and approves them; for the protestant religion was in all its essential principles, before those human penal laws were made, and therefore before they could be owned. So then, according to this author, the making or owning of them, is one of the popish or fanatical principles, which by the oath of the test, we are bound to renounce and disown. This, forsooth, is an unanswerable argument for his purpose: but what needed our author be at all this pains, so voluminously to plead for such a petty thing as the bare suspending the execution of those laws, since, according to him, the very laws themselves, root and branch, are so strongly abjured by all the members of parliament, who have taken the test? Yet, good man, he will find it no small difficulty to persuade either papist or protestant, or himself either, to be of this mind.

Ref. VII. The author's last argument is drawn from what the king may legally do by his prerogative. His majesty's prerogative, like

the edge of a razor, is dangerous to be meddled with, yet with all due respect to his majesty's prerogative, and, I hope, without offence, these few things, amongst many, may be said in answer to the author's argument drawn from it. 1mo, How great soever be his majesty's prerogative, none that is orthodox will affirm, that by virtue of it he may dispense with an unrevoked law of God, as the law for punishing idolaters is. There is a great difference betwixt granting an indemnity for a bypast transgression, of a divine criminal statute, (as is the divine law against a murderer) and the granting an immunity from all punishment, to them that shall transgress such a law for the future; and whatever can be said for the former, who, that is either a good divine or a good Christian, will assert that his majesty by virtue of his prerogative may do the latter? 2do. If his majesty by his prerogative, may legally indulge the exercise of idolatry, with impunity to them who practise it, though (as has been proven) there be a standing divine law for punishing it, what reason and account can be given why he may not also, by his prerogative, give an immunity and exemption from all punishment, to such as shall practise theft, murder, witchcraft, incest, and such other horrid crimes? 3do. Albeit papists are not ignorant of what his majesty may do by his prerogative, and do brag much of it, yet it would seem they are not of our author's mind, that he may legally by his prerogative, give an immunity to them for the exercise of their worship, else they would not be at such a great deal of pains to get this granted to them by the parliament. 4to. Whatever, and how great soever be his majesty's prerogative, yet in the present case under consideration, he hath been pleased to limit the same, by ratifying and confirming all the laws for the protestant religion, most of which, if not all of them are penal, against its enemies: And 5to. Whatever his majesty may legally do by virtue of his prerogative, yet the members of parliament may not legally (even in regard of human law) consent to a suspending of the execution of penal statutes against papists, they being bound up from giving that consent by the oath of the test, imposed on them by law, consented unto, and confirmed by his present majesty, and by several other standing laws; besides that, a far higher law, the laws of God, ties them to refuse that consent.

Having mentioned and confuted all in our author's paper, that hath any shadow and semblance of a reason for persuading an allowing unto papists, so much as the private exercise of their religion and worship, I shall pass by other things in it, such as his insinuating, that if the oath of the test bind up from allowing unto papists an impunity in the practice of their idolatry, then it binds up from giving charity to a starving papist, (which is as if one should say, that what binds up from allowing immunity and impunity unto a murderer, in the practice of his sin, binds up from giving meat and drink unto him, while the magistrate suffers him to live.) Our author's professing, that if the parliament refuse their consent to a suspending the execution of penal statutes against papists, he

dation by his popularity, and public dissembling his religious designs when he was

lord commissioner for his brother. Before that parliament broke up 1686.

sees not how it is possible to avoid that scandal of founding dominion and right of property on grace, (and it is just alike possible to avoid that scandal, without suspending the execution of penal statutes, yea, without taking quite away the laws themselves against sorcerers, sodomites, murderers, &c.) his impudence in affirming again and again, that though there was apparent danger to our religion from papists in former times, when all the magistrates, supreme and subordinate, were protestant, and all the power, civil and military, was in the hands of zealous protestants, but that now, when it is far otherwise, we are out of all reasonable fears from papists. These, I say, and many such like things in our author's paper, I pass by, as things that lie obvious and open to the scorn and contempt of any who retain the exercise of their judgment and reason. And these reflections upon our author's paper, having exceeded much the brevity at first intended in them, I shall conclude them with one of these reasons and arguments, which in the last paragraph of his paper he calls idle and frivolous, (a strong answer indeed to them) against that parliamentary allowance he in his whole paper pleads for unto the papists, to practise their idolatrous worship without any molestation. The reason and argument is this, he who will allow the practice of a sin, is in divine and all reasonable human construction guilty of that sin, much more he who frames the iniquity of that allowance by a law. If our author or any other deny this he is no good divine; and let any who doubt of it consider Ephes. v. 11. and ver 7. with Psal. 1. 18. and what commentators, both popish and protestant, say on these and such like places; but so it is, that the private as well as public practice of popery, (it being idolatry) *

(If our author or any other deny this he is no good protestant) ergo, &c. Let these therefore concerned consider, that if they give their consent, especially their parliamentary consent, that papists shall have the exercise of their worship in private houses, (and this may be public enough) with all manner of impunity to them therein, they who give this consent will be guilty interpretatively of all that idolatry, which, upon that indulgence and impunity from all punishment, shall be practised by papists. To say that this shall not import any allowance or approbation of the popish religion, is just such another contradiction, as to say that the laws against papists shall remain in their full force, excepting in so far as they are so innovate, that papists are put under the protection of the king's laws, a considerable number whereof are the laws against papists. Let it also be adverted unto, that he who allows the practice of a sin, by giving immunity and impunity to the practisers of it, is in the construction both of divine and human law, guilty of all the hurt, harm, and mischief that follows thereupon. These therefore who are apt to flatter themselves, by looking only to what for present is next before

their eyes, shall do well to look so far before their nose, as to consider that whatsoever dreadful mischiefs shall follow to our religion, liberties, estates and lives, by their taking away or relaxing the statutes against popery, and thereby letting loose the bloody papists upon us, if they be called to an after-account, (as either God or man will call them to it) they will be found liable to all the punishments due to the practisers of those mischiefs. He that deliberately or willfully untie a chained lion, bear, or any other ravenous devouring beast, does justly deserve to be punished for all the mischief done by it, when loosed.

† *Letter from the freeholders of the shires of
to their commissioners to the parliament,
dated June 7th, 1686.*

Gentlemen,

We cannot but acquaint you with the extraordinary surprise that we and all the country are in, to hear of those things that are in agitation among you, in this present session of parliament, we have indeed, to our great satisfaction, been informed of your steadiness and courage, wherein you have fully answered our expectations, and the trust we reposed in you; and for which we do heartily give you our most affectionate thanks; but we must tell you, that to us it doth appear very odd, that not only so strange a thing as the repeal of the penal laws, and the opening of access unto papists, by authority of parliament, unto places of public trust, which is downright the overturning of our religion and laws, hath been proposed to you, but likewise, that divers unaccountable and illegal methods have been practised, for compassing of that end. Albeit we cannot doubt of his majesty's willingness to take those of his own persuasion under his royal protection, whilst they contain themselves within due bounds, and make it appear, that their principle is indeed conscience, and not faction or interest, whilst they confine their religion to their hearts and closets, and aspire not to usurp a share in the government, contrary to law: yet we shall never be induced to think, that this demand, as it lies before you, being in effect to abrogate your own fundamental laws, and to undermine your own religion, could ever have proceeded from him, who hath given us so authentic repeated assurances, who so perfectly understands his own and his people's true interests, who hath given so eminent demonstrations of his wisdom, clemency, and princely affection to his subjects, and who hath, in his own person, proposed so illustrious an example, of being at once true to conscience, and observant of the laws; but we rather believe it to be the effect of the indiscreet and officious forwardness of underagents, who may perhaps be one day made to answer, for thus endeavouring to beget a misunderstanding betwixt the king and his people. Howsoever it be, if we take a right view of the matter, we must say, as all good Christians have ever said in the like case, and as particularly the city of Magdeburg replied to the triumphant emperor Charles V. when he required their submission to the Interim, "If our lives and

* There is a blank in the autograph part of the writ, being erased: but as far as it can be reached it seems to run, *is sinful very evidently*. — Wodrow.

1686. last summer, besides other acts formerly mentioned, one passed contain-

fortunes," said they, "belong to you, yet you must allow our consciences to be God's."

It is not our business here to prove, that the popish worship pleaded for is flat idolatry; our law justly terms it so, and our divines have plainly demonstrated it to be an idolatry worse than heathenish, there being no colour to excuse it, which the heathens had not better ground to allege for theirs; that it is for substance the very same worship with which the deluded pagans were inveigled, before the spreading of the gospel, being exactly copied from that model, and only christened with new names, hath, in a very obvious parallel, been often, by many learned protestants, so fully and convincingly laid open, that no considering man's eyes can be further held in the mist, as to this truth. Nor need we suggest unto you, how otherwise grossly erroneous that church is in its doctrines, nor how tyrannical in its government, being a combined company, under a monstrous spiritual head, who carries engraven upon him, this grand indelible character of antichrist, "That he exalts himself above all that is called God," or is "august and venerable amongst men: for whatever stretches have been made by modern papists, to deny or palliate that intolerable pretension to a supreme dispensing and deposing power seated in the Pope; yet, as it hath been, in many fatal instances, actually exercised, so the right thereunto is, at this day, one of the most sacred articles of the more consequential Italian, Spanish, and other catholic creeds, and is still easily insinuated upon the consciences of seduced bigots, by the craft of designing priests, wherever their superstition doth obtain; yea, it is more safe at Rome to blaspheme the blessed name of God than to deny it. We nothing doubt, but you and all good protestants are fully satisfied in these two capital points, that the pope and his clergy are the antichrist, and that the mass, and other parts of the Romish worship, are the grossest and most unreasonable idolatry that ever was broached in the world. God hath, in all ages, raised up witnesses to these truths, even in the midst of popish darkness, many whereof have sealed them with their blood. This hath been the constant unanimous doctrine of protestant divines, for near two hundred years past, and our church hath, ever since the reformation, taught us so from the scriptures. Now, if these things be so, what Christian can, without horror, think of consenting to a liberty for antichrist? and so of opposing, in a judicial way, the will and laws of the son of God; and that in behalf of his † chief adversary, whom he has so notably stigmatized in his word: what protestant can, without participating with idols, agree to the most minute allowance of either church or house idolatry? What subject can, without disloyalty, assent in the least to the readmission of an insolent usurping head.

But if any manner of doubt should remain as to these things with any members of parlia-

ing a tender of duty, and offer of the excise to his majesty; in the preamble of which

ment, whereby they might incline to think that they have some latitude left, in hearkening to the proposal made for granting ease to papists, then, since there are at least so violent presumptions of the truth of what is above asserted from scripture, and from the uniform doctrine of protestant churches, and seeing this is a business of the vastest concernment to the souls of men, as well as to their secular interests, wherein prudent men and Christians can never be too wary, nor too well advised: and finally, since the priests' lips should keep knowledge, and the law is to be sought at their mouths; upon all these considerations, it will certainly, in the first place, belong to, and ought to be demanded from the reverend prelates, who in parliament represent the protestant clergy, and are intrusted with the care of souls, that before the parliament advance one step in this affair, they clearly and convincingly, from scripture, resolve the other members who are no divines, in these important queries. Whether the pope and his clergy be that antichrist that was to come? ‡ and whether the plain and obvious scriptural characters of § the eldest son of perdition,

‡ Or if we are yet to look for another to rise out of the tribe of Dan, or from any where else, (as the papists fondly dream) who, in the space of three years and a half, is to do greater feats than can be done in many ages, to reign, according to some, at Rome, according to others, at Jerusalem, who is to conquer the whole earth, &c. their accounts of him are loaded with contradictions.

§ As that he was to be revealed, when that which did withhold, to wit, the Emperors of Rome, should be taken out of the way, being a mystery of iniquity that did already work in the very apostles' days, as in Diotrophes and others, who loved and contended with them for preeminence; that he was to be inhered in by a general apostasy and falling away of the true church; that he was to boast of miracles, and, by lying wonders, so set up a Babylonish idolatry, and to come with all deceitfulness of unrighteousness, and to be given up to strong delusions, to believe a lie, such as that hideous monster of transubstantiation, the gainful figment of purgatory, the pernicious nonsense of intention, and a thousand other impious fables, which not only destroy themselves and one another, but wholly evert and overthrow all christianity and reason; that he was forbid to marry, not regarding the desire of women, which is marriage, but indulging execrable unnatural lusts, and to command to abstain from meats, which God hath created to be received with thanksgiving; that he was to have his seat in the great city, founded upon seven hills, which then ruled over the nations, and which the papists themselves acknowledge to be Rome; that the kings of the earth were to give him their power, until the words of God should be fulfilled; that he should push with two horns, a civil and spiritual boundless authority, and speak like a lamb, professing himself to be the vicar, or in place of the Lamb of God, but really be and rule like a dragon; that he was to be, in divers respects, the seventh and eighth head of the Roman empire, whereof one was, and five had fallen in the apostles' days; that he was to be clothed with purple and scarlet, the very colours which the pope and his cardinals affect in their inaugurations, processions, solemnities, and even in their ordinary apparel; that he was to sit in the temple of God, in the glorious holy mountain, seated between the seas, and, in that elevation, to exalt and magnify himself above every God, claiming a superiority over kings, rulers, and governors, and to speak marvellous things against the God of gods, in dispensing with his laws, and allowing them no authority but from his mouth, and to set up and honour the Mahuzin, strange gods of his own making and canonizing, which his fathers never knew; that he was to impose his doctrines, and the dictates of his

* The word *εἰσαγωγή*, signifies worship, thence comes *εἰσαγωγή*, the term appropriated to the Roman Caesars, and in Latin rendered Augustus.

† *ἀντικρίστους*.

they declare, "That they owe all their blessings to the sacred race of their glorious

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kings, and to the solid absolute authority, wherewith they were in-

can agree to any power, potentate, or society of men, civil or ecclesiastical, upon earth, save the papal? Whether the doctrine of demons,* or the heathenish adoration paid to the ghosts of departed heroes, be not revived, taught, and practised by the Romish church, in the worshipping of saints departed; and since the papists, being challenged of idolatry, in bowing to images, recur to that trifling subterfuge of not adoring the image, but the thing represented by it, in presence of the image, it would likewise be cleared, whether the Jews were ever so senseless as to fall down before a molten calf, merely in respect to itself, the matter of which had lately hung in their ears, or been worn upon their arms? or if they did not rather mistake it, through their Egyptian prejudices, to bear some resemblance of God? or, at least, dreamed it to receive some secret virtue, by passing through the high priest's hands? Whether hell did ever contrive a more sottish idolatry, than is the worshipping (not of a substance, but) of bare accidents, and that with the supreme degree of adoration due to God alone? For so the council of Trent † expressly determines, "That the faithful are obliged to exhibit the cult of latria to the very sacrament," that is, not to Christ only in the sacrament, but also to the colour, smell, and dimensions of a wafer, that according to them inwrap him. In short, it will become the spiritual lords, before all farther procedure in this matter, plainly and positively to declare, whether the pope and his clergy be antichrist, and whether the mass be idolatry or not? We do not judge it necessary here, to insist upon the heap of their other ridiculous and absurd doctrines, or rather dreams, their soppy fables, impertinent fooler-

false infallible chair, upon all the world that came within his reach, so that no man might live without his mark; that he was to be, by way of eminence above all others, the false prophet, and was for a time to prosper, and wear out the saints of the Most High, being an unperceived mystery to many, though his character be written, as it were, on his forehead; that he was to make merchandise of the church, as the pope at this day doth, by dispensations, indulgences, simony, &c. and a chief part of his traffic to be not only the bodies but the souls of men, and that he was to be drunk with the blood of the martyrs and saints of Jesus; in a word, that he and his party were to be for idolatry of Babylon for tyranny in Egypt, and a Sodom for corruption. These few, amongst many in other passages, being either the very words, or most clear palpable senses of the scripture, and seeming so unavoidably to grip and lay hold upon the man of sin, sitting in the pretended infallible chair of St Peter at Rome, a more than ordinary evidence will be necessary, to direct how otherwise they are to be applied: for as to the popish evasions, such as the reserving some of these things to the Turk, as if his having Judea, now all in ruins, in his possession, could entitle him to the character of sitting in the temple of God; and as if he who was to usurp that seat, was not rather to be one who makes external professions of Christianity; or, if it was the mystery of the Ottoman, not of the papal iniquity, that began to work so early, even in the apostles' days: these and the like, are so obviously silly and contradictory, that it is even a shame to mention them, and serve for no other end, than to throw a little dust upon the eyes of such as are willing to have them put out, and who being pre-engaged by interest, and other sordid motives, rather than fail of a pretence, will wink themselves unto popery.

* *Δαίμονες, i. e. Herous vite functorum.*

† Sess. 13. cap. 5. *nullus itaque, &c.*

ies, and antic pageantries of worship, which more resemble a charming incantation, than the spiritual service of the true and living God; their villanous tricks and treacherous practices destructive to the quiet and safety of mankind, all which gave the highest reason for enacting our penal laws against them, and do still give for maintaining of the same. We shall only observe that the source of all these is their chimerical claim of infallibility, pregnant with innumerable errors, lodged, they can never agree amongst themselves where or with whom; but, to be sure, according to them all, somewhere or other in their church; and practically resounding at last, into the oraculous dictates of every little priest. It is by means of this, that all their votaries are indispensably obliged to support all their errors; and whatever smooth and plausible words many of their tenets and practices be clothed with on this side the Alps, yet, to join in communion with those churches that maintain bare-faced, stupid, and undisguised popery, and to swallow glibly down whatever their ghostly guides propose: and it is hereby they are likewise bound, under pain of damnation, (and the order of Jesuits in particular, are at their admission tied by oath) to exert their utmost vigour and zeal for the extirpation of heresy, and the propagation of their pretended Catholic faith, and that not by the meek and gentle ways of Christian persuasion, but by the infernal methods of lying, dissembling, plotting, massacring, torturing, and imbruing their hands in the blood of all who stand in their way. History is full of *funest* examples of this papal fury: and we have recent bleeding instances, in the desolations of France, Hungary, Piedmont, and other places, fresh before us. By all which it evidently appears, how desperate and implacable is the raging madness of the Romish agents, and how actively they bestir themselves for the total overthrow of the reformation, in all places where they unhappily gain the ascendant over the spirits of these in power; their great design being to re-enslave the delivered nations under the yoke of a foreign head, and to reintroduce the universal empire of old heathenish Rome, (to which our generous ancestors alone, of all kingdoms in Europe, could never be brought to submit) and that under a new and ghostly disguise; a domination by so much the more pernicious and vile, that the former imported only a civil subjection unto a princely people; but this a spiritual, as well as temporal thralldom, under the capricious impositions of a saucy encroaching priest.

These, we doubt not, and a thousand such considerations more, will natively arise in your own thoughts, and will manifestly hold forth to you the heinous guilt, and eminent hazard which any protestant state or kingdom must inevitably draw upon itself, by permitting the party of antichrist to exercise their idolatry by law; much more where the Jesuits and priests are ever so little tolerated and connived at: for whatever moderation might be extended to peaceable conscientious protestant dissenters, yet these indefatigable frogs, spewed out of the mouth of the dragon, and of the beast, and of the false

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prophet,* that crawl into the bed-chambers of princes, and are sent forth to gather the kings of the earth unto the battle of the great day of God, the disgrace of mankind, and very bane of all human society, can never be suffered, upon any terms, to enter, having given more than sufficient evidence of their incurable treachery, in all places wherever they have been admitted; and whenever they could have but the thinnest shadow of connivance, they have greedily embraced, and wonderfully improved the same, knowing that the faintest colour of a law, may, by their artifice, be heightened to a surprising advantage, when they can hope to be masters of the interpretation. This some foreign states,† even of the Romish communion itself, have prudently been aware of, and carefully provided against; and this is that which, at the reformation, moved our wise and pious predecessors, by so strict and so often repeated laws to fence their religion, their lives, and their liberties, against those unwearied underminers of all that is dear to honest men, whenever they obtain the least access to insinuate themselves.

But to come closer to the present case, that which in a more particular manner we recommend to your serious consideration, is the very odd and auspicious circumstances under which this proposal is now made. As

I. For what end do the papists seek a repeal of standing laws, or indeed any favour by authority of parliament at this time, when they are not molested? unless with design to grasp all places of trust into their own hands, to exercise their idolatrous worship openly and avowedly, to scatter their infection, without running the risk of an after-reckoning, and with hopes at length to abrogate all our laws that establish the protestant religion; (by which they can fear to be one day called to an account for their present miscarriages, and their unwarrantable invading of places of public trust) and perhaps when they shall be strong enough for it, to divert the rightful succession, and so become our absolute and uncontrollable masters: for if they pretend no further than moderate ease and connivance, what need is there of an act of parliament for this? Who disquiets them? Or where are the penal laws put in execution? Yea, what have they at present to complain of, but that they want a national establishment? And it is in vain here to ask, "Why then are those laws any longer kept up? Since they are, under God, and his majesty's royal promises, the only legal security of our religion, and our best defence against the insolent attempts of these our all ingrossing adversaries, who have no other restraint but the terror of those laws hanging over their heads, as a perpetual warning, if they abuse their present favour, of what they may in retaliation expect, at that time, which perhaps is hastening faster on than they apprehend, when our penal statutes shall be as an echo, to that great command of the first

fore they again declare to the world, "That they abhor and detest, not only the au-

lawgiver, "reward her even as she rewarded you."

II. Why is this required at a time when the protestant religion, all Europe over, is so low? when the papacy hath gained and doth daily gain such ground upon the reformation; when the reformed French, an innocent and loyal people, who had done so signal services to the crown, and had been the very instruments of settling their present sovereign in that absolute power, which he now, without all provocation on their part, so inhumanely exerciseth upon themselves; a people against whom even their keenest enemies could not invent the least shadow of accusation; yet, by a long tract of unjust edicts, and dreadful oppressions, have by degrees been robbed of their well-founded rights and privileges, and at length to the highest violation of public faith, and infringement of the most sacred reiterated engagements, are not only totally deprived of all their liberties, but are compelled by barbarities surpassing all belief, either with utmost hazard, to forsake and abandon their estates and friends, and native land, or, flatly against their consciences, to change their religion, and pine away in anguish and despair; a persecution of that prodigious size, that we hope it shall stand a single instance, whilst the world stands: and that as in its complex, it never had a precedent in any former age, so in all succeeding generations, it shall never have a parallel; but that protestants every where will be awakened by it, to consider what they are to expect from so perfidious and bloody a religion. But now, whilst other popish countries are endeavouring to transcribe the French example, and this island remains, in a manner, the only considerable part of Christendom, wherein the reformed religion stands yet free from the cruel attacks of Romish rage, for them now to attempt to worm themselves in among us, and to court us to demolish our own walls, looks as if they meant to involve us also in the universal overthrow.

III. When, to all our former ties, we have, in the immediately preceding parliament, to which his present majesty was commissioner, in prospect of "our danger from the restlessness of our adversaries, who cease not to introduce their errors, superstitions, and delusions, and to insinuate themselves into affairs and places of public trust," superadded, under his own royal direction and influence, the solemn oath of the test, as an impregnable rampart against their machinations; and now so very soon after, whilst that sacred bond remains yet fresh, and in full vigour, to hope for admission in less or in more, or a relaxation of the laws made against them, speaks as prodigious impudence in them, as it would do perfidy and treachery in us to grant it. It is very strange, how any who reads and ponders the words of the test, and of the act enjoining it, dream of reconciling it, or think it can possibly consist with the parliament's granting the least crumb of favour to papists.

IV. It deserves to be considered, that after this very parliament hath signalized itself in loyalty, and firm adherence to one branch of the test, by suppressing the late rebellion, and quelling those inhumane monsters of fanatical fury,

* By which some divines understand the devil, the Roman emperor, and the pope, Rev. xvi. 13. Exod. viii. 3.

† As the republic of Venice, which banished the Jews out of their territories; France did also for a time expel them, after the barbarous murders of Henry III. and IV.

thors and actors of all preceding rebellions against their sovereign, but also all princi-

ples and positions which are contrary or derogatory to the king's sacred, 1686.

that had risen amongst ourselves, and by a frank and ready concurrence to the enacting such laws, and establishing such methods of severity, as the wild insolence of that party made necessary; that now the papists should pretend to have us tamely pass from the other part of our oath, which secures us from their assiduous and no less dangerous attempts; and so to slacken the reins of a steady government, in which the security of the crown and nation, against their enemies on both hands, doth consist, seems to import, that they make a very scurvy representation of us to his majesty, and would do so to the world, as an easy pusillanimous people, led by interest and overawed by fear, who may be driven to anything, and with whom the performance of duty is the result of mean and unmanly principles, and not of conscience or honour. And who knows, if the king, who is wise as an angel of God, may not have been the more readily induced to consent, that this tentative be made to the end he might thereby try whom he could safely trust; knowing well, that these who are false to God and themselves, can never be faithful to their prince; and that they only, who, after his own royal example, are honest and true to their consciences, amidst all discouragements and dangers, are the persons in whom he can most entirely confide.

V. We shall add a further remark that ought well to be thought upon, and warily adverted to, which is, that since the saying and hearing of mass, is, by the fundamental laws establishing our religion, declared, upon just reason, to infer the pains of treason, because the mass, (besides its superstition and idolatry) is the bond of communion with those who seek to seduce and debauch his majesty's subjects from their due allegiance to their natural prince, and who prefer a foreign jurisdiction to his; and these laws have been ratified by all parliaments since the reformation, and particularly by the first act of this present parliament, and are not now required to be abrogated. In what manner can any man, who shall vote for this act, be assured of immunity from being afterwards challenged for giving his consent to the committing of (at least interpretative) treason: nor would it avail to allege, that this act is an exception from the general law; if such an exception should be judged inconsistent and contradictory, so long as the general law stands unrepealed, and how far soever the parliament's power may reach, in dispensing with common laws, yet certainly it is a very different case, to dispense with those laws that infer treason against the king and state, and are grounded upon so weighty reasons, as are those which influenced the making of our laws for the securing of our religion, and the total abolishment of popery; seeing, by such a dispensation, liberty and immunity would be allowed to such open enemies of king and government, as, in the face of the world, dare own themselves subjects of a foreign higher power, jurisdiction, and head; a head which, they boast, hath sometimes made emperors serve as footmen; and which, by the cheating bugbears of illimited vicarship, triple crown, double sword, and keys, doth arrogantly claim an authoritative right to dispose of kings and their

kingdoms, whatever way the caprice of his infallibility shall inspire him; and the case standing thus, were it not both very dangerous, and very unsuitable to the duty which the parliament owes the king, as his sworn subjects, and grand council, to make a law for allowing of that, which, by the standing unrepealed, and so well founded laws of the nation, is constructive treason against his majesty, even though his majesty should so far yield to the importunities of some about him, flowing from their private ends, as to give way thereunto himself.

VI. Lastly, there is one thing more we cannot but take notice of, that as you are the first parliament in the world, that so bold a proposal, in such circumstances, was ever made unto, so the methods taken to accomplish it are unaccountably strange, and without all precedent, and do speak both unmeasurable rashness and confidence in the promoters thereof, and an undecent undervaluing of you; that papers of information pleading for the standing laws should be suppressed, and the havers or spreaders of them exposed to trouble, whilst others that labour by weak and flat sophistry, to supplant the law, that endeavour to pervert the plain sense and meaning of acts of parliament, which in law is treasonable, and to elude the obligation of the test, which in divinity is impious; that asperse his sacred majesty, and characterize him as cruel and perfidious, and as intending mischief against our religion and government, if not gratified in the demanded favour: whilst these, with other popish papers, pamphlets, and books, are industriously spread, countenanced, and supported, that so great pains should be taken to *brigue* votes, and to dispose or hector the members of parliament, to a thing so directly opposite to their consciences and to law, by proposing rewards to some, depriving, threatening, and intimidating others: that courses, never till now known in this kingdom, should be taken, to seclude or remove from voting, able and honest members, who are most capable of serving God, their king and country, in parliament. All this looks so very odd and illegal, that we see not how it can be let pass, without a parliamentary representation to the king.

Upon the whole, though we have entire confidence in your constancy and courage, yet the matter now before you being of the highest import, and our very all lying in it at the stake, we cannot, for our own further exoneration, but earnestly obtest and enjoin you to remember, that, in this affair, the eye of God is in a special manner upon you, that you are exposed at present, as on a theatre, to the eyes of all Europe, and particularly of our neighbours in England, that the hopes of papists and protestants depend upon your determinations, that you have a trust in your hands for which you must be accountable to God, to your own consciences, to the memory of your renowned ancestors, and to the present and succeeding generations; and that if any of you, which we are far from fearing, should prove so dangerous and mean-spirited, as servilely to comply, and sacrifice the religion and laws of the nation to present mistaken interest, or be so far overawed by hopes or fears, as but to keep silence at

supreme, sovereign, absolute power
1686. and authority, which none, whether particular persons, or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence on him, and by commission from him, &c. And, as it were intentionally to introduce a despotic power, they passed another act, "To confirm and approve whatever had been done by his majesty's privy council,

this critical time, and connive at so destructive a vote; you shall never be able, by so doing, to deceive God, who will certainly find you out, nor to save your worldly concerns, by thinking to stop here, for, by insatiable priests, you shall still be pushed on to further advances; so that there is no mean, you must either resolve, at this juncture, to stand your ground, or to proceed the utmost length, else all you can do at present, will as certainly pass for nothing, as it is now told some of you, that what you have already done shall not be valued unless you consent to this. Besides you should, by giving way, in this matter, to that assiduous insinuating crew, the Romish priests, not only endanger your secular interests and estates, many of which are settled by the laws of the kingdom, upon the ruins and utter extirpation of the jurisdiction of the pope and his clergy, but also tarnish and forfeit all the glory of your former services, and, in the sight of the world, brand yourselves with the eternal infamy of having vilely betrayed your religion and country, and faintly yielded up yourselves and your posterity to bondage.

We therefore, upon all these considerations, do again solemnly obtest and enjoin you, by all that is sacred and dear unto Christians and men, *first*, That you give no manner of consent, directly nor indirectly, in favours of papists, to the least slackening of the force of the law, in whatsoever terms, or under whatsoever cautions or restrictions it may be offered and proposed, but that, to the uttermost of your power, you vigorously oppose the same. *Secondly*, That you heedfully beware of a trepan in mistaking the vote, remembering with what a party you have to deal, but that you endeavour, if this act comes in at all, to have it formally stated, approve or reject, lest, by a captious proposing of the question, or by any other preliminary or exploratory vote, the integrity, and good intentions of honest men, who, we are assured, are by the far greater number in your body, should remain undiscovered, and that for the strengthening of mutual confidence and trust, you, by all means, strive, in every vote, to keep up a good correspondence with such. *Lastly*, Since it is not to be supposed, after the many repeated declarations of his majesty's gracious purpose to preserve our religion and laws entire, that these desires, which tend to weaken, or rather subvert both, do flow from his own royal heart, but rather from the impatient forwardness of restless priests and the preposterous over-daring zeal of new proselytes, who seek to value themselves, with their confessions, upon doing some extraordinary service for home. It is therefore our very earnest and serious wish, if the wisdom of the parlia-

justice-court, and those commissioned by them, in banishing, imprisoning, and fining such as refused to take and swear the oath of allegiance, and to assert the royal prerogative in the utmost extent of them." And after giving account of the king's letter, and commissioner's speech, which the reader hath already in the notes, he adds, "When this speech came to be considered, the creatures of the court showed

ment should so think fit, that an humble address be ordered to his sacred majesty, from the whole body of parliament, expressing their infinite sorrow for being so far misrepresented, as to be thought capable of doing a thing so much against their consciences, their honour and the law, expecting and praying, from his majesty's goodness, and his regard unto his loyal people, that some effectual way may be found out, to stop the unhandsome and illegal courses that have been taken for practising members, and laying aside the incapacitating to vote, such as are of unquestioned loyalty, and good affection to his majesty's service, and to the government; that the spreading and printing of popish pamphlets, and disseminating of their pernicious principles, (whether by themselves or by false professed protestants,) may be impeded; that the grief of his majesty's good and faithful subjects may be appeased, and their further fears prevented by the removal of papists from offices of public trust, and the nation secured from the like danger in time to come; showing that they do make a repeated dutiful offer of their lives and fortunes for his majesty's service (in which we, and we hope the whole kingdom) do sincerely and heartily concur; and that being by the established laws their remaining firm and unshaken, guarded against the hazard of popery, or of the access of papists, to any share in the government, they will, in their several capacities, express all possible tenderness and forbearance to the persons of peaceable papists, so long as they keep themselves within the bounds prescribed by law, this being the very utmost length their consciences and honour can possibly allow them to go; humbly hoping that his majesty will graciously approve, as the effect of their bound duty, this their wariness in an affair of so vast consequence to the government, and their refusal to comply with that which their religion makes treason against God, and their law makes treason against the king. And we heartily wish, that some of you may have the honour to be the first proposers of this.

This sure is the proper method to create an entire good understanding betwixt the king and his people, and is the only native and dutiful way of redress for all grievances that subjects can have, or ought to take with so benign a prince. Nor is it to be doubted, but his majesty, who hath so graciously expressed himself, in his letter, to be our indulgent father, will, according to his innate clemency and goodness, favourably interpret, accept of, and correspond to the filial confidence of his dutiful subjects, who thus rely upon, and intrust themselves to his royal paternal care.

a present inclination for passing an act in favour of the papists, without looking further than his majesty's desire; but the more considerate party moved and prevailed to have a committee appointed, to inspect the statutes provided against the Roman catholics. After a full examination of those laws, the committee drew up a bill, whereby 'papists were to be allowed the exercise of their religion in private, without repealing those former acts, which made them liable to penalties for publicly assembling together.' The king seemed to be contented with this step at present, hoping to have gained more in a proper season: but however, this bill being presented to the parliament for their approbation, they divided upon it, and many warm speeches were made against it. The king being informed of their debates, and apprehending the miscarriage of his designs, he despatched an express to the earl of Murray his commissioner, with orders to dissolve, or at least prorogue that parliament, that had done so much in favour of his prerogative. And about ten months after, he did that by his sole power and authority, which he could not effect with the consent of the nation, as will be remembered in its proper place."

I should now come to take some view of the other acts of this parliament, in as far as they concern the subject of this history. The court's main design in their meeting being broken, there is not much more remarkable in the printed acts. Notwithstanding of the mighty solemnity used in the last session of parliament, when they annexed the lands of the noblemen and gentlemen, forfeited for their conscientious endeavours in behalf of the protestant interest, to the crown, they are now parcelled out among papists and favourites. By the first act an excambion is made between some lands belonging to the viscount of Melford, and the lands of Cesnock and Duchal, now annexed to the crown; and we may easily suppose who had the better in this excambion. The viscount's activity in the persecution at the circuit courts, and otherwise, is given as the reason, without any ceremony, of disjoining these gentlemen's estates from the crown, for the

viscount's use. By their 7th act, the lands of that worthy gentleman, Mr ¹⁶⁸⁶ Pringle of Torwoodlee, are dissolved from the crown, and given to the forementioned lieutenant-general Drummond; and to find reasons for this, the parliament go as far back as the year 1648, when that gentleman joined in the duke's engagement, and the year 1649, when he joined the duke of Ormond against the protestants in Ireland. To be sure, his services at Pentland, and against the earl of Argyle, were not forgotten. It seems his service at Bothwell did not deserve so much notice, though Melford hath his there noticed. Their 13th act makes over the lands and estate of Mr Bailie of Jerviswood, to the duke of Gordon, as a token, no doubt, of royal favour to that popish family, for their services and sufferings for the crown and royal family. By the 26th act, the lands of Earlstoun, James Gordon of Craichlaw, and Mr William Fergusson of Kaitloch, are given to Sir Theophilus Oglethorp, lieutenant-colonel Main, and captain Henry Cornwall, and dissolved from the crown. By the 27th act, the lands of Thomas Kennedy of Grange, are dissolved from the crown, and given to Sir Thomas Kennedy provost of Edinburgh, for his services at Bothwell, and his father's at Worcester engagement. And by the 28th act, James earl of Arran hath the lands of Sir Thomas Stuart of Cultness, and his son, the baronies of Cultness, North-Berwick, and Good-trees, granted him for his good services against the earl of Argyle. And by the 29th act of the same session, the lands of Walter earl of Tarras, are again given back to him, and dissolved from the crown, as the narrative bears, for his free confession of the conspiracy he was engaged in. And this confession is declared by the parliament, to be the great mean of preventing its fatal effects. Thus part of the forfeited estates was dissolved, and given off by the parliament, and others of them were disposed without any parliamentary solemnity, to such as had best served a popish prince in the state and the army, as a reward for their share in the persecution, during the former years.

Little further offers this session of par-

liament. By the second act, new burdens are put upon the lieges in their paying the cess, instead of the ease promised by the commissioner in his speech. By the 25th act, they rescind a clause in their address against the earl of Argyle, last year, begging, "That no intercession might be heard for mercy to the earl, or any that joined with him." Of this, it seems, upon reflection, they were ashamed, and so they might; and this rescissory act stands as a lasting blot laid by themselves upon their former unchristian and virulent procedure. And in the unprinted acts, the reader will find an act dissolving the lands of Sir John Cochran of Ochiltree from the crown, and granting them to his eldest son, which is a substantial proof Sir John had made his peace with the court.* Thus I have done with the parliaments in this period.

SECT. III.

Of the king's remarkable letter after the rising of parliament, the state of Mr Renwick and his followers, some proclamations and other things this year, which came not in so naturally upon the former sections.

BEING in this last section to gather up some facts this year, that may tend to enlighten the history of it, I shall begin with what further offers as to the design of weakening the protestant interest, and introduction of popery, because it hangs best with the subject of the former section, and the reader

will have the whole of it thus in his eye at once, and then I shall go through other incidental things, just as they fall in by the order of time.

When the king's project was broken in our parliament, he took himself to other methods for introducing persons of the popish profession, to places of profit and trust, and fell about it in the shortest way, both in Scotland and England. Upon the 20th of July, a declaration is impetrate from the English judges, which was much more useful for the inbringing of popery and arbitrary power, than our Scots act of parliament would have been, though it had got through. I refer the reader to the English historians for the full accounts of this, and few or none of them pass it. In short, the matter stood thus. At the term, the case of Sir Edward Hales, a papist, prosecuted for being in a post contrary to the English law, was tabled before the judges, with a design to have their favourable judgment here, as in a leading case. A vast plurality of them gave it as their opinion, "That the king is a sovereign prince. That the laws are the king's laws. That the king may dispense with the penal laws in case of necessity. That the king is judge of that necessity. That the king hath not his power by any grant from the people, but it remains in him, and never was nor never can be taken from him."

About this same time, and to make further way for papists, and to purge out such who should make any stand for ecclesiasti-

* "The account given of his (Sir J.'s) pardon by bishop Burnet, who says, his father, lord Dundonald, who was an opulent nobleman, purchased it with a considerable sum of money, is more credible as well as more candid 'than the supposition of his having been all along only a pretended covenanter.' And it must be remembered that in Sir John's disputes with his general, he was almost always acting in conjunction with Sir Patrick Hume, who is proved by the subsequent events, and indeed by the whole tenor of his life and conduct, to have been uniformly sincere and zealous in the cause of his country. Cochran was sent to England, where he had an interview with the king, and gave such answers to the questions put to him as were deemed satisfactory by his majesty; and the information thus obtained, whatever might be the real and secret causes, furnished a plausible pretence at least for the exercise of royal clemency," Fox, p. 213. In a genealogical ac-

count of the Dundonald family, published five or six years ago, the efforts of lord Dundonald in favour of his son, are said to have been powerfully seconded by "a catholic confessor of James VII." whom the earl was obliged to bribe at the costly rate of £5000 sterling! Sir John was despatched by the king to Edinburgh, August, 1687, to negotiate with the presbyterians concerning the taking away the penal laws, both against themselves and the Roman catholics. At the revolution his forfeiture was rescinded; and he was one of the farmers of the poll tax, 1693. In 1758, his grandson, Thomas Cochran of Culross, succeeded his second cousin William, seventh earl of Dundonald, who died unmarried, in the honours and emoluments of that ancient and noble family. "The family of Cochran," says Crawford, "is of great antiquity in the shire of Renfrew, and its ancestors possessed the lands of Cochran well nigh 500 years." Hist. of Renfrewshire, p. 82. —Ed.

cal or civil liberty, the famous ecclesiastical commission was set up in England, and a grant was passed, empowering the archbishop of Canterbury, the bishops of Durham and Rochester, with the lord chancellor, lord treasurer, and the earl of Sunderland, whereof the chancellor was still to be one, to put in force the ecclesiastical laws against all offenders, whether by suspension, deprivation, or other ecclesiastical censures, and to inquire into the orders of the clergy, foundation of churches, &c. And to complete the design, papists were brought in to be members of the English privy council in great numbers, such as the lord Powis, lord Belassia, lord Arundel, and several others.

When matters are thus going on very fast towards Rome, in England, some wider steps are taken in Scotland. Since the union of the two crowns, our Scots affairs were very much under English influence, and in so extraordinary a juncture as this, we may expect a double share. Accordingly, a thorough purge is made of our Scots council. The best protestants, and such who had the courage to appear in parliament against the king's project, are turned out, and upright violent papists are brought in their room. I cannot give all the changes made at this time, but I find the earls of Mar, Lothian, Dumfries, and Kintore, with the lord Ross, are turned off; and the duke of Gordon, earl of Traquair, earl of Seaforth, and some other papists, were brought in. Our Scots council being thus prepared to receive such a message, a letter comes down from the king, dated August 21st, which is so very singular, though indeed it was what might be reasonably expected from a zealous papist, that I insert it here.

JAMES R.

" Right trusty, &c. It was not any doubt we had of our power, in the putting a stop to the unreasonable severities of the acts of parliament, against those of the Roman catholic religion, that made us bring in our designs to our parliament, but to give our loyal subjects a new opportunity of showing their duty to us, their justice towards the innocent, and their charity towards their neighbours; in which we promised ourselves their hearty and dutiful concurrence, as what was founded on that solid

justice we are resolved to distribute to all, 1686. and consequently to our catholic subjects, against whom those laws were made, upon supposition that loyalty was inconsistent with their religion, and that, upon the authority of an external power, they were freed from all allegiance to their sovereigns; and if those things had been so then, there had been most just grounds for the utmost severity against them. But now in a long tract of time, these things have not only been found false, but the contrary true; for when unnatural rebellions have been raised against our royal father, brother, and us, by protestant defenders of those laws, supporters of that persecution, the Roman catholics have still adhered to the royal interest; and at the expense of their lives, fortunes, and all that was dear to them in the world, supported the crown, died for the peace of their persecutors, and thought nothing too dear to buy the generous character of religious towards God, and loyal toward their sovereigns.

When all this had appeared in a long series of years, notwithstanding of bitter and frequent persecutions, we could do no less than secure the innocent catholics from these pains, intended and designed for the restless, rebellious, and impious idolaters; especially considering, by our own experience, that they are not capable of those evils they are scandalized with; and we are sure, that none of sober and rational principles will blame us, or envy the ease we intend to give them. Nor had our parliament, or any member thereof, scrupled their consent, if the perverse intentions of our enemies had not suggested unreasonable scruples, into the heads of some well-meaning men, as if, by the test they had been bound up from giving their consent to what they thought so reasonable, that they wished us to do it by our own authority, being fully resolved to support us in it. In the first place, that none may have so unreasonable a scruple, we do hereby declare, that it was never our meaning by the test, to preclude any man from the freedom of voting in parliament or council, in any case brought in by us, for the well of the government, and peace or ease of our good subjects, and that no man could take the test in any other sense, seeing it is the giver, and not the taker of an oath, that is to give the meaning to it. Likens we have already explained to our clergy before, upon some doubts that did arise concerning it; so we now declare, that it is not the meaning of the test, to preclude any from consenting to any change or alteration, not contrary to the express tenets of the protestant religion, as oft as we shall think fit to desire their consent in parliament, or otherwise to any such thing.

We have also thought fit to let you know, that

1686. as we have performed our part in supporting those of the protestant religion, the professors whereof are perfectly under our royal protection, so we resolve to protect our catholic subjects against all the insults of their enemies, and severity of the laws made against them heretofore; notwithstanding of all which, we hereby allow to them the free private exercise of their religion in houses, in which we authorise and require you to support and maintain them, as under our royal protection, in all things, as well their persons as estates; and we hereby do discharge any sentences to be given against any of them, for the things above allowed of us. Willing and requiring you to make intimation hereof to all our judges, civil and criminal, as well as to ecclesiastics; and declaring that the allegiance of this shall be a sufficient defence against any pursuit, civil or criminal, for the exercise of the Roman catholic religion, profession thereof, or using any of the rites and ceremonies of that church, or doing what by any law or act of parliament is called trafficking, in all time coming. And we further require our judges to do herein according to our undoubted right and prerogative, as they will answer the contrary. And to the end the catholic worship may with the more decency and security be exercised at Edinburgh, we have thought fit to establish our chapel within our palace of Holyrood-house, and to appoint a number of chaplains and others, whom we authorise and require you to have in your most special protection and care, as persons whom we are resolved to maintain in their just rights and privileges, and to secure under our royal protection.

You are likewise to take care that there be no preachers or others, suffered to insinuate to the people any fears and jealousies, as if we intended to make any violent alteration; and if any shall be so bold, you are to punish them according to law, for it is far from our thoughts to use any violence in matters of conscience, consistent with our authority, and the peace of our ancient kingdom. We are also resolved to maintain our bishops, and the inferior clergy, in their just rights and privileges, and the professors of the protestant religion, in the free exercise of it in their churches, and to hinder all fanatical encroachments upon them. We are resolved likewise to maintain our subjects of all qualities, in their rights and privileges, and to have justice impartially administrated by our judicatories. And we are resolved to restrain the insolencies (if any be) in the army, and to cause them punctually to pay the country: all which we recommend to you, as what we are most extremely concerned in. And seeing we are thus resolved in relation to our people, we

do expect from them all the returns of duty and loyalty, as well as compliance and concurrence in those things, so just in us, and reasonable in all our good subjects, from whom we do also expect that mutual love and charity, one to another, that becomes compatriots, subjects, and Christians. The execution of all which we remit to you, authorising and requiring your punctual performance in all points. In full confidence whereof, we bid you heartily farewell. Given at our court at Windsor, the 21st day of August, 1686, and of our reign the second year.

“ By his Majesty's command,

“ MELFORD.”

This brisk letter speaks out so plainly, that I need make very few remarks upon it. The popish king begins with a satire upon our Scots laws against papists, as containing unreasonable severities. How far this can be reckoned tyranny, without any ceremony to set himself above the laws, I shall not say; but it cannot be reckoned perjury, since our managers were so complaisant, as not to urge him to take our coronation oath. But if the English laws contain as severe penalties as ours do against papists, which I do not pretend to know, we must think it a branch of wickedness I want a name for, to swear to maintain and rule them by laws as severe, and yet thus to brand ours? However, he gives the council to know, it was not from any doubts of his own power to dispense with standing laws, he desired the parliament to rescind them, but to give his subjects, even the parliament, an opportunity of testifying their duty. The king is very open here and speaks out. By his paramount power to the laws, he could take them away, but he would have the legislature to be a tool, and truckle to his power, and not to rescind them upon any solid and just foundation; for well did he know, none could be advanced, but merely to be an evidence how much they were his humble servants. Thus as, in fact, he had no more parliaments, so there was really no use for them. How far their implicit obedience would have been either justice to the innocent, or charity to the merciless papists, we have heard. The reasons adduced to prove the equity of such an act have all been con-

sidered. But what follows, is an intolerable jest upon our holy and established religion and reformation, "when unnatural rebellions have been raised by the protestant defenders of those laws, and supporters of that persecution." This biting turn upon protestants in general, and the patriots in parliament, is very agreeable to the jesuitical influence that poor prince was under. What follows, of the Roman catholics adhering to the royal family, hath been just now considered. The king next speaks of bitter and frequent persecution of papists, through a long series of years, of which I can learn nothing from our histories; and to be sure, for a good number of years, since the duke of York got the ascendant over his brother, they were so far from being persecuted, that they were overlooked, yea, employed in several very considerable offices. Upon this false narrative, the king is made to ground his resolutions, to secure papists from the pains due to these evils he alleges they were not capable of. The parliament is next lampooned for believing "unreasonable scruples suggested into the heads of some well-meaning men." What follows I do not so well understand, and, as I take it up, can scarce believe it, that the members of parliament, thinking themselves bound up by the test from giving their consent to the penal statutes being removed, wished the king might do it by his own authority. To me it does not appear that the parliament wished the statutes should be at all removed. To answer this difficulty, the king comes to explain the test, and declares he never meant thereby to bind up members of parliament from consenting to any thing he should propose for the well of the government, and ease of the subjects. It is certain, that the ease of popish subjects was not for the well of any government, which ought to have been over protestants. And whatever might have been the intention of the king in imposing that oath during his reign, unless upon the foot of jesuitical equivocation, and mental reservation, it can never free the swearer from the plain meaning and sense of the words sworn. As to the evasion which follows, that the test bound not up from any change

not contrary to the express tenets of the protestant religion, it is plain, the 1686. change sought was so, and flatly opposite to the old confession sworn to in that oath. After this perverting of the test, which, every body knows, was carried in parliament over the belly of the king, and a very faint compliment to the protestant establishment, "that it was perfectly under his protection," which, to be sure, was no more than what the Roman catholic persuasion was; he tells the council, *sic volo, sic jubeo*. "We resolve to protect our catholic subjects," and that not only in the private exercise of their worship, but "against all their enemies, and the laws made against them;" and requires the council to support them; and all this is done according "to his undoubted right and prerogative." Here is a good commentary upon the prerogative so much scrupled at by sufferers in this period. And to be an experiment how the "public introduction of popery," which was next designed, would take, he orders the public exercise of the catholic religion in his chapel of Holyrood-house, and orders the council to support this. And next the secular arm is hounded out against all, who, in so sad a time, should "signify their fears of any violent alteration." I shall not say what is meant by this; perhaps the king wanted not hopes, gradually and not violently to get the reformation overturned. To please the clergy, assurances are given, of maintaining prelacy, and hindering all fanatical encroachments upon them. This undoubtedly he saw a better form for the interim, and much nearer popery than presbytery, and wanted not hopes of good numbers of friends among the clergy. And I doubt not the king was sincere in his resolution for some time, till matters were a little ripened: prelacy might be continued, and such as were called fanatics borne down, even though the king's religion were established. Promises are added of some good things to the lieges; and the concurrence of all with this plain scheme for introducing of popery, is peremptorily expected; and as too much of this was given, so had not providence happily interposed by the never-to-be-forgotten revolution, no ques-

tion the project had succeeded. Thus 1686. the reader hath what offers to me upon this design of rescinding the penal statutes. Next year we shall find various shapes of a toleration and indulgence offered by the king, mostly, no doubt, with an eye to further liberty for those of his own religion. I come now to run through some other things I have omitted in the former sections.

Last year and this, some essays were made for a union betwixt some of the presbyterian ministers, who were wandering up and down the country, and the society people, now headed by Mr Renwick, if possible to bring the last from some of the heights they had run to; and though this does not belong directly to the sufferings, yet being a considerable part of the misery of presbyterians, to have such divisions among them, and the essays to heal them frustrate, and this being a part of our history very little known, I shall here give some short deduction of it, during the last year and this. I have before me most part of the principal papers relative to this, all of them originals, and mostly under Mr Renwick's own hand, from which I could fill many sheets; but I shall only give a very short hint of the contendings some of the suffering ministers had with those who erred on the right hand, when they had so much to grapple with from prelates and papists on the left.

July 29th, last year, those two excellent persons, Mr Robert Langlands and Mr George Barclay, whose characters have been given, being acquainted of the meeting, and desired to come, came to one of the general meetings of the societies at the Kypes in the shire of Ayr, to see what might be done to bring those people who held communion with no minister but Mr Renwick, to hear and join with others of the suffering ministers. A good many of the meeting were very much for this, and so their conference began. These two ministers upon one side, and Mr Renwick, George Hill, with some others on the other. The ministers proposed the laying aside debates about former differences and practices, and a union in those things wherein they were agreed, and moved,

that what they could not agree in, should be referred to be determined by a competent judicatory. This was refused by the other side, who insisted, that an enumeration of public defections should be drawn up; which the ministers did not come into, as what would rather widen than heal their present breaches. Thus the conference ended after they had been together some days. However this conference had good effects upon several of the people who were present; and upon the back of it there appeared an inclination in many of the particular societies, who sent their representatives to the general meeting, to join in ordinances with others than Mr Renwick, and to hear the suffering presbyterian ministers, especially in Kyle, Carrick, and several places of Galloway.

Some other things concurred about this time, to take off good numbers of the members of the societies from the heights which others of them ran to. Mr Brackel, a Dutch minister, who corresponded with the societies, when better informed concerning them, sent over a paper to them, vindicating himself from Mr Hamilton's aspersions, containing his sentiments on defensive arms, regretting their divisions, and advising them to join with other suffering ministers. This had no small weight with some. And in the end of the year 1685, letters passed betwixt Mr Langlands and Mr Renwick and his followers, which, I doubt not, were useful to severals of the society people. The originals and some copies of these are before me, too large to be inserted.

By a letter from the societies to Robert Hamilton, dated October 21st, I find they had information about him, which was ready to be proven, "That he had countenanced the Hamilton declaration which he and his party since had cried out so much against; that he had signed a petition to Monmouth in name of the army; that he had received large sums of money from good people in Holland, for printing the testimonies of the sufferers, and yet greater for the support of the suffering party in Scotland, of which he had given no accounts." By their letter they call him to vindicate himself from all these charges. The breaking out of those things,

as to Mr Hamilton, together with his not giving the societies full satisfaction in his return, did not a little dash the party among them who run highest, and had been headed and supported by Mr Hamilton in their greatest extremities: yea, after the revolution, it was he who hindered their entire union with this church, when matters were brought very near it.

In the entry of this year, 1686, Robert Cathcart, a very pious and knowing Christian in Carrick, who had formerly joined with the societies, but now was very much for union and quitting their heights, drew up an information relating to Mr Renwick and his party. This paper made no little noise among suffering presbyterians at this time. He had no thoughts of its going abroad, but when he had communicated it to a friend, it took air. The reader, no doubt, will be desirous to see it, and I give it from the original records of the societies, at the foot of the page.* We shall just now

* *Robert Cathcart's information against Mr Renwick and his party, 1686.*

Matters in church and state being in confusion, they have stepped into the chair, and arrogated to themselves the government both of church and state, and the management of both civil and ecclesiastical affairs, and that by the same party, persons, and assembly. And first, being joined in societies for religious exercises, they commissionate, from these societies, some of their number to meet in a general meeting (out of which they choose a committee of fifteen, who determine, by vote, in affairs brought before them) who have constitute themselves into, and assumed the name and title of "Convention of States," so, in the declaration published at Lanark, they call themselves, "A convention of estates and shires of Scotland," "a convention of unprelimited members, the like whereof the tyrant, since his home-coming, never had," and have acted accordingly, *Imo.* In a legal authoritative deposing of the late king, rescinding, annulling, and annulling all the acts and statutes made by him, and his conventions and parliaments since the year 1660, as they word it in the foresaid declarations. *2do.* In denouncing war against him, being thus declared a tyrant, and deposed as such; and that in those terms, in the declarations published at Sanquhar, "We declare war against such a tyrant and usurper, and against such as have any way acknowledged him in his usurpation, civil or ecclesiastic, or shall in any wise acknowledge any other in the like usurpation." Next, as to church affairs, they have imposed restrictions on ministers in the exercise of their ministry, requiring them in their call, intituled, Call of the united presbyterians, to own their papers, such as Rutherglen, Sanquhar, and Lanark declarations, the excommunication at Torwood, &c. declaring that

find, that the last clause was added to this paper of Robert Cathcart, by ^{1686.} the meeting, who adopted it as their own; the occasion whereof was this. January

otherwise they would not own them as ministers, yea, that except they should forthwith embrace their call (if they had once provided themselves with ministers any other way) though they should afterward embrace, they might then own them as brethren, never more as ministers. And these being condemned as ministers, they have entirely cast off the whole suffering ministry, and taken the power of church-government into their own hands, calling themselves the Antipopish, Antiprelatic, Anti-erastian, true presbyterian church of Scotland, in their printed protestation against the Congregation at Rotterdam, and the representatives of the church, and sent delegations, as such, to the churches of Holland, Helvetia, and Geneva.

The whole suffering ministers being thus cast off, to supply this want, or rather to erect a new building (as their honourable delegate Mr Hamilton expresseth it, in his letter commendatory of Mr Renwick to the societies, "Take this as the first stone of your new building") they have sent over some young men of their number, to the Netherlands, to study and to be ordained there. And having, by the lying misinformation of their delegate Mr Hamilton, alleging that there were eighty elders who did concur in sending over sixteen young students, there being but six young men designed to be sent over, and fifteen persons who subscribed their testificate, and not an elder among them, imposed upon Mr William Brackel, a Dutch minister, have, by his means, procured the ordination of one of these young men, Mr James Renwick, whom alone they now own (declaring in their letters to the churches of Helvetia and Geneva, that "they have no minister save one, all the rest being turned cruel like the ostriches in the wilderness") whose first work was to decry the whole suffering ministry, namely, famous Macwaird, and that after his death, with several others, who says yet further, "That there is not a faithful minister in Britain or Ireland," in a letter to a friend in Ireland, in vindication of his practice in seeking ordination from the church of Holland, wherein, speaking of that church, he hath these words, "But though there are some things among them in that church which are not justifiable, such as organs in some of their churches, and festival days, and some customary things, but I know that those in that presbytery, with whom I was most intimately acquaint, never defended nor maintained such things, but expressed their design of a reformation therefrom, though I could wish there were more courage among them than there is; however, their case differeth from the case of the ministers of Britain and Ireland; for 1st, That church is not chargeable with defections, as (Ah sad!) the ministers of Britain and Ireland are chargeable with many gross steps of defended defection; it is true our church was once a greater length in reformation than they are, however they are before us now in the most substantial things, and have their faces forward, whereas the ministers of Britain and

1686. 28th, this year, the general meeting of the societies was held at Frierminion, to which Alexander Gordon, John Dick, and some others came, as they used to do from the societies in Kyle, Carrick, and Galloway, most part of whom were for uniting with and hearing other suffering ministers as well as Mr Renwick. The meeting came to inquire into their commissions, and the reports they heard of the inclination of several of their societies to unite with other ministers besides Mr Renwick, and that some of their members had written the above information. The issue was a long conference with the above-named men, upon many points too long here to be insert, from the original account of it now before me. In short, after they had owned their hearing, Mr Barclay, when he had satisfied them in conversation about some scruples they had; and because they would not absolutely disown Argyle's declaration, and promise to do nothing in time to come, without the allowance of the meeting, they debarred them in time to come from their meeting, and would keep no more fellowship with them. When those persons returned to their constituents, there was a large meeting of such who were for union with other suffering ministers, to whom an account was given of the conference at Frierminion. There Robert Cathcart's paper was read, and in the form above was sent to several presbyterian ministers, with a letter containing an abstract of the conference above, and a desire to have ministers' judgment in those points in difference between them and Mr Renwick's party.

Ireland have theirs back again, and I count it my duty to walk with those whose faces are forward, and not with those whose backs are turned." And a little after, "The next thing you write of is, that I have separate from, and excommunicate all the ministers belonging to Scotland; as to withdrawing from them, since their unfaithfulness was made known to me, that I have done, and hold it to be my duty." They have also made canons, in which are expressed the qualifications of persons capable to sit as members in their conventions, and church-fellowship, whereof this is one, Are you free of joining with the unfaithful silent complying ministers of the time, by hearing them preach, or receiving the sacrament at their hand, subjecting to their discipline, or being joined in marriage with them? Which canons they stretch

They beg likewise the ministers may acquaint them, if they had any share sent them of some money that was gathered for the support of suffering ministers, or any in their name, and desire direction from them as to their duty in this dark day. I have not seen any of the answers sent by the ministers to this letter; but I know they went up and down preaching as they could have access to such as would hear them, till the liberty came next year. Particularly Mr Robert Langlands, Mr George Barclay, Mr John Moncrief, Mr Adam Alcorn, and others. This step taken in the general meeting at Frierminion, in breaking fellowship with such as were for hearing other honest ministers, and essaying to make up the breaches among sufferers, did them much hurt in the eyes of sober on-lookers, and some of themselves found cause afterwards to repent it.

In March this year, I find Mr Renwick, with James Clerk, John Clerk, James Wilson, Alexander Ramsay, and some others, came to Carrick, if possible to regain the people who had been cast off by them; and they had a conference with them. March 20th, Robert Cathcart, Quintin Dick, and some others managed it. Robert owns he had drawn up the information, and did not design to publish it; that he had not communicated it but to one friend, and did not reckon himself obliged to such who had propaled it. But now that it is spread, he owns, and is ready to defend every point of it. This issued in a long conversation, where no ground was gained on either hand. This rupture, together with some

the length, that the servant may not join in family-worship with the master, nor the child with the parent, if guilty of those things by them judged scandalous. Thus Gavin Alison was debarred from sitting in their meetings, because he joined with his father in family-worship, who heard the indulged ministers. Gavin Weir was censured for baptizing with Mr George Barclay, Alexander Gordon for baptizing with Mr Alexander Pedin, and several others. And of late, at the general meeting January 28th, 1686, they have cast off most part of the societies in the shires of Ayr and Galloway, chiefly upon these two heads. 1mo. That they would not disown and condemn the declaration published by Argyle. 2do. Because they were clear to call and hear faithful suffering ministers.

other occurrences this year, put Mr Renwick and his party to draw up their informatory vindication, which was penned by Mr Renwick, and revised by their general meeting at great length, and approved. But this took some months after this; and we shall again meet with the informatory vindication, where the reader will see that party's answers to what is laid to their charge, in this information by Robert Cathcart; and indeed it is as much as such a subject will bear.

Thus I have given some view of this considerable change in the circumstances of the society people this year. The heights run into by some, and the misgiving of all essays for union among sufferers, did not a little distress the spirits of the more sober party at this time.

Towards the close of the year, when Mr Renwick was preaching in the south to such who would hear him, several societies, who countenanced and heard other presbyterian ministers, left him and his followers very much. And some of the societies in Galloway, hearing of his coming, drew up a kind of testimony, and gave it in to him by some of their number, upon Sabbath, November 22d, before he began sermon, near to the places where they lived. That the reader may know the grounds upon which they went, I have inserted here the paper given in to Mr Renwick, by William MacHutchison, who had suffered not a little those years past, from the original in my hand.

"We, under-subscribers, according to the laudable example of others, taking to our consideration the great scandal, and woful effects of division among the professors of the church of Scotland, and especially among ourselves; and finding the causes of this division partly to proceed from some amongst us, their 'paying cess, hearing curates, and taking the late abjuration,' and partly from others their condemning of those things, and adhering to the late declaration on church doors and other places, and receiving of, and adhering unto Mr James Renwick, without the consent and approbation of the remnant of faithful and godly ministers of the church of Scotland, and contrary to the laudable practices of this church, and acts of general assemblies, from the reformation to this day: and finding those things to be above our

capacity, to decide and determine among ourselves, and that by them rather jangling 1686 strife and division is increased; we do hereby refer and submit ourselves, in all those aforesaid things, to an assembly of faithful ministers and elders, which is the only church judicatory approved in the word of God, and competent judges of such debatable principles and practices; at least to such a competent number of ministers, and other grave persons, as the afflicted state of this church will allow at such a time; and promise upon the one hand to give satisfaction, as we shall be found guilty and convict by the word of God, for any thing done by us to the scandal and offence of our dear brethren: and upon the other hand, we will forbear to call or join with Mr James Renwick, till such time as his ordination and entry into the church of Scotland be seen and approved of some competent number of the faithful ministers of the church of Scotland, according to the word of God, laudable practice, and acts of general assemblies of this church, since the reformation till his coming into this church. And are willing, upon his submission to his brethren, according to the word of God, to receive him into our bosoms, and to submit to his ministry, as to one of our faithful pastors. But if he, at the desire of strangers, or of any of our brethren dividing from us, intrude himself on our labours, without our call and consent, till such time as we have the mind of our faithful ministers anent the foresaid things, we will protest against all such dealing, as horrid and abominable usurpation and intrusion upon us and our labours, contrary to the word of God, and acts of our general assemblies, and practice of this church, since the reformation till this day, and that we will look on such practice as not only divisive, but destructive to the poor suffering remnant of this church, and will resent it before God. Witness my hand, subscribed in the name of this place of the stewartry betwixt the water of Cree and Dee. In the name of the whole, signed

"William M'Hutchison."

How this paper was received I have no information, but Mr Renwick and his followers went still on, in a separate course from the rest of the sufferers and ministers of that time.

In December this year, Mr David Houston, minister, come over from Ireland, was taken in with Mr Renwick; we shall hear more of him ere this history end. He preached up and down among Mr Renwick's followers, but not under that regard that was paid to Mr Renwick. I have a

large account under the hand of the
1686. clerk of the societies, of the manner of his reception, the engagements he came under, and the acknowledgments he made, before me, but it is not worth while to insert or abridge it. At the same time, that excellent person Mr Alexander Shiela, formerly mentioned, was received by the societies. He had found means to escape out of his confinement, and made an acknowledgment to the general meeting, of what he thought he had done wrong before the judiciary. He was extremely welcome to Mr Renwick, and the more judicious people among them: he was mighty useful to them, and much against some of the lengths they ran to; and came in heartily at the revolution, as I doubt not Mr Renwick would have done, had he been alive. Thus I have given all I have as to the society people, this year, together. I come now to hint at some other things, just in the order of time they fell out.

Upon the 26th of January this year, that singularly pious minister Mr Alexander Peden, of whom in the former part of this work, died in the Dikes, in the parish of the Sorn, in Ayrshire; and though he was not executed publicly, because not reached by the enemies, yet the hardships he was brought to, hastened him to the joy of his Lord. Many remarkable things are related concerning this good man, in the days of his youth, when he was under many sore depths, and much soul exercise, and had wonderful out-gates and deliverances, and some very singular attainments through his after-life; accounts of which would come more natively in upon a history of providences, than here. He was minister of Glenluce before the restoration, and when removed from his people by force, I am told, he was very positive that no curate should ever be fixed in that parish, which, they say, held true. We have met with him in the former part of this history, under very heavy sufferings in the Bass, and otherwise. Last year I find him upon his hiding in Ayrshire and Galloway. The forenamed Captain Campbell of Welwood, at this time very young, getting notice of him, went to him, and stayed many days with him, in a den they made for them-

selves in the earth, in a very retired place, which nobody knew of, but one person who brought them meat. At length their hiding-place was smelled out by the soldiers, and they were put again to their shifts. This gentleman tells me, that all this time, for some months, Mr Peden had a great pressure upon his spirit, and was unwearied in prayer and wrestling, and used to pass many nights in sighs and groans. Mr Peden most of the summer 1685, wandered through the south the best way he could, being much under his hiding with Mr Langlands, Mr Barclay, lieutenant-colonel Fullarton, and Cleland, and the last named gentleman; when they were followed with a train of very remarkable providences, preservations, supplies, and deliverances from dangers. He died in full assurance of faith as to himself, and great hope of a comfortable delivery to this church, just at the door. He was privately interred in Mr David Boswell of Auchinleck his isle, in the church of Auchinleck; and after he had been buried six or eight weeks, the soldiers getting notice where he had been laid, came and took out his corps, and carried them to the gallows foot in Cumnock, and there buried him as a malefactor.* This raising him after he was buried, Mr Peden, before his death, did very positively foretell, before several witnesses, some of whom are yet alive who were present, from whom I have it, else I should not have noticed this here. Indeed this singularly religious person hath been very much abused since his death, by handling about some prophetic expressions, said to have been uttered by him in the year 1684 or 1685, and the printing of a prophecy, said to have been emitted by him in Ireland, 1684. That the secret of the Lord was with this fearer of him, I do not doubt; and the attested hint I have given of his foretelling the disturbing of his dead body, before he died, may fully satisfy as to this; and I am apt to think this prediction, with some others I have pretty well vouched, together with the additions that are generally made by too many to such accounts,

* Mr Peden's grave is now inclosed within the wall of the church-yard at Cumnock.—Ed.

when they are in conversation, indistinctly told and handed about, may have given a handle to some designing persons, for their own ends, to shape and frame prophecies under Mr Peden's name. As to those prophetic expressions of his, which are handed about in writ only, I say nothing of them, since they are but in the hands of a few, and by the tartness and bitterness of the style, they evidently discover themselves to be far from his spirit. Of the prophecy that is printed under Mr Peden's name, I have seen two different copies, and a third in manuscript differing from them both. In some of them it is said, that king William was to have war with Spain, which is false; in others of them it is said, the Jews shall bring their genealogies with them when converted, which is morally impossible, and really useless. I shall make no reflections upon the many unintelligible phrases and sentences in this pretended prophecy. The year 1715 is now expired, without any prospect of those great things palmed upon this good man, their being accomplished. And by all the rules of charity, I reckon myself obliged to take this prophecy to have been most injuriously fathered upon Mr Peden. Besides, I have seen several of his original letters when in the Bass, to some indulged ministers and others, which breathe a quite other spirit than those papers handed about make him to be of. And I cannot but remark, both from the company he haunted, after he got out of his confinement, and some passages in the original records of the societies, that this excellent person was far from the heights at this time run to; which, meanwhile, appear some way to be designed to be justified by the papers handed about under his name. This much I thought necessary to observe, for the vindication of the memory of this worthy minister, so much injured by fixing those papers upon him after his death.

But to go on to things of a more public nature; towards the end of January, and the beginning of February, there were some gatherings and tumults in the city of Edinburgh, and some affront was put upon chancellor Perth, who was now either violently suspected, or certainly known to be

a papist. I know little more of this tumult than is contained in the king's letter, dated February 9th, copy whereof follows.

JAMES R.

"Right trusty, &c. we greet you well. Having been exceedingly troubled to hear of the insolency committed by a tumultuous rabble in our city of Edinburgh, whilst you and your other coadjutors were in the place, and that their insolence should have gone the length of affronting our chief minister, and yet that so much lenity is shown, in punishing a crime so immediately touching our royal person and authority; we have now thought fit to let you know, that we have not only the character, but likewise the person of our chancellor, so much in our particular care, as that we will support him in despite of all the attempts and insolencies of his enemies; and therefore do require you to take that care of his person, and have that respect for his character, as may convince us of your affection to us, and obedience to our commands. In the next place, we hereby require you, to go about the punishment of the guilty, with the utmost regour of our law; nor can we imagine, that any has been, or will be remiss in this, except those who have been favourers of that rebellious design. But above all it is our express pleasure, that you try into the bottom of this matter, to find out those that have, either by money, insinuation, or otherwise, set on this rabble to that villanous attempt, or encouraged them in it: and therefore, that for the finding of this out, you spare no legal trial by torture, or otherwise; this being of so great importance, that nothing more displeasing to us, or more dangerous to our government, could possibly have been contrived, and we shall spare no expenses to know the rise of it. We command you again to be diligent in finding out the whole matter, and punishing the guilty; as likewise to use your utmost endeavours for preventing the like villanies for the future. So after we shall hear what the next post shall bring, ye shall know our further pleasure herein. In the meantime, we bid you very heartily farewell. Given at our court at Whitehall, the 9th day of February, 1686, and of our reign the second year.

"By his majesty's command,

"MURRAY."

I never loved tumults and rabbles, and shall say nothing in defence of this. I know very little of its circumstances, those are generally magnified in public papers at this time, in other cases. But we need not much wonder, that under the reports of a design framing against our constitution, by

the overturning the penal statutes
1686. against papists, the common people's resentment discovered itself in some disorders and abuses, especially when a papist was publicly acting in the highest station in the kingdom.

Great care was taken at this time to corrupt the youth, and dispose them for giving way to all the encroachments made, and to be made upon our holy reformation and civil liberties. I own students at a university ought to ply their books, and should not intermeddle with other things, and the masters ought to take all care to fix them at their proper work; and if this was the only view in obliging them to sign the underwritten bond, it is good: but considering the current of the times, and the character of the people, who at this time pushed the subscription, there is not wanting reasonable ground to suspect this was one of the branches of the passive obedience, whereby the youth was to be corrupted. The tenor of the bond they were made to sign, follows.

"We, undersubscribers, students in the college of Edinburgh, considering, that we are abused and calumniated by the rabble, as active and forward in raising and continuing the tumults and disorders, by gatherings which have lately happened in this city and suburbs thereof; and conceiving, that in point of honour and duty, we are obliged to vindicate our innocence, and manifest our abhorrence at such practices, as may disturb the peace of the place, wherein we ought by our education to be exemplary in all peaceableness and regular behaviour: therefore, as we do hereby disclaim and disown all tumultuary and disorderly practices, and particularly those of late, to which we had no accession; so we purpose for the future, to abstain from any such, and in case of failure, we declare ourselves liable not only to the discipline of our masters, but also to the censure of our honourable patrons, the lord provost and council of Edinburgh. In witness whereof, we have subscribed these presents."

How far the students were prevailed upon to go into this bond, I do not know; but it being exculpatory as to former practices, as well as obligatory in time to come, it may be doubted if it was proper to be signed by most part of the boys, who probably were not altogether strangers to some share in the former gatherings.

All the three kingdoms were at this time, upon good grounds, apprehensive of invasions upon their religion, under the government of a popish prince, managed by the fiery jesuits; and the poor protestants in Ireland were most open to the storm from multitudes of bloody papists, ready to react their former bloody work and massacres. Some ministers there in their sermons, and others in their conversation, had the justice and courage to warn the protestants of their hazard, which, it seems, was extremely displeasing to the earl of Tyrconnel, lord-deputy. Thereupon a proclamation is issued out, February 21st, to lull protestants asleep, and fright such who were not willing to sleep, till their throats were cut. I should scarce have noticed it, had I not found it reprinted at Edinburgh, no doubt for somewhat else than a little money to the printer, especially when our chancellor was papist, as well as the earl of Tyrconnel. That the reader may perceive, that the same fears possessed all who had any regard for our holy religion, and the same angry and yet cozening methods were used, in all the three kingdoms, I have added the Irish proclamation in a note.* It is not my pro-

* *Irish proclamation against treasonable speeches, February 26th, 1686.*

TYRCONNEL.

Whereas we are informed that several disaffected persons within this his majesty's kingdom, have been of late very industrious, by false reports, and malicious insinuations, to suggest to many of his majesty's loyal subjects, as if we, his majesty's chief governor, intended to govern under his majesty here, otherwise than by the known law of this land of Ireland, and as if some of his majesty's loyal subjects should stand in hazard of being disturbed and disquieted in their just liberties, properties, and other rights due to them by law, which calumnies have been heightened and encouraged by some fiery spirits in the pulpits, by taking upon them to treat of matters that do not lie within their province; for which aspersions there was not the least ground, but the perverse humour, and wicked principles of the authors, since his sacred majesty hath given all his subjects frequent assurances of his gracious resolutions to govern them by law, and to protect them in their respective properties and privileges according to law; which resolutions of his said majesty he has given us his deputy, in particular charge, to observe and signify to all his subjects. For the removing therefore of all fears and jealousies proceeding from such scandalous suggestions, from the hearts of his majesty's subjects

vince to enter upon the affairs of Ireland, but the reader, upon considering it, will perceive it much of a strain with several of our Scots proclamations. Ministers are made fire-brands for warning their people, they are reckoned out of their road, and threatened; and all the security of religion, liberty, and property, is now resolved not into law, but the assurances of a prince, who by his prin-

ciples was obliged not to keep faith with his subjects of a different religion. 1686.

Probably it was much with the same view, that at London, March 5th, the king directs a letter to the archbishop of Canterbury and York, and with it he causes reprint the directions given by king Charles, in the year 1662, to preachers, which I have annexed at the bottom of the page.* No remarks are

here, and for quieting the minds of the people: and to the end that all his majesty's good and loyal subjects may with cheerfulness apply themselves to their particular concerns, trade, and vocation: we, the lord deputy and council, do hereby publish and declare, that we will, by the grace of God, apply all our care and industry to yield exact and perfect obedience to his majesty's said commands; and do hereby publish and declare in his majesty's behalf, that we shall take diligent care that all his majesty's subjects within this kingdom, of what persuasion in religion or degree whatsoever they be, shall be protected in their just rights and properties, due to them by law, and in the free exercise of their religion, provided they persevere in their duty and allegiance to his majesty, without giving any occasion of disturbance to the peace of the kingdom. And for the further preservation of the public peace of this realm, we do charge and require all persons whatsoever, to forbear speaking any undutiful or irreverent expressions of his majesty's sacred person or government. And we do require all his majesty's judges, justices, magistrates, and officers, to take particular care, that all persons that shall be discovered to be guilty of spreading such scandalous reports, or using such malicious insinuations, shall be prosecuted according to the utmost rigour of the law, to the end the just punishment to be inflicted upon them, may terrify others from committing the like crime.

Given at the council-chamber in Dublin, the 21st day of February, 1686.

A. Fytton, C. Frau, Dublin, Granard, P. Antrim, Roscommon, Drogheda, Tyrone, Longford, Limerick, Gormonston, Galmoy, Nettervil, Ross, J. Macartie, John Keating, Hen. Hene, John Davis, Th. Nugent, De. Daly, Stephen Rice, Wil. Talbot, Robert Hamilton, Tho. Newcomen, N. Purcel, Tho. Sheridan.
God save the King.

* *King's letter to the Archbishops, with directions to preachers, March, 1686.*

JAMES R.

Most reverend fathers in God, we greet you well. Whereas the bold abuses, and extravagances of preachers in the pulpit, have not only, by the experience of former ages, been found to tend to the dishonour of God, the scandal of religion, and disturbance of the peace, both of church and state, but did also (through the licentiousness of the late rebellious times) much increase, to the inflaming, fomenting, and heightening of the sad distempers and confusions that were then among us: and whereas even at this present (notwithstanding the merciful providence of God, so signally manifested in restoring our royal family, and the lawful government of these realms, and putting an end to the great

rebellion, and notwithstanding the pious care and endeavours of our late dear brother, and ourself ever since, to govern our realms in peace and tranquillity) it may justly be feared that in sundry parts of this realm, there want not men of unquiet and factious spirits, who, instead of preaching the pure word of God, and building up the people in faith and holiness, will (if they be not restrained) make it a great part of their business to beget in the minds of their hearers, an evil opinion of their governors, by insinuating fears and jealousies, to dispose them to discontent, and to season them with such unsound and dangerous principles, as may lead them into disobedience, schism, and rebellion; and whereas also sundry young divines and preachers, either out of a spirit of contention and contradiction, or in a vain ostentation of their learning, take upon them in their popular sermons, to handle the deep points of God's eternal counsels and decrees, or to meddle with the affairs of state and government, or to wrangle about forms and gestures, and other fruitless disputes and controversies, serving rather to amuse than profit the hearers; which is done for the most part, and with the greatest confidence, by such persons as least understand them: we, out of our princely care and zeal for the honour of God, the advancement of piety, peace, and true religion, and for the preventing for the future, as much as lieth in us, the many and great inconveniences and mischiefs that will unavoidably ensue, if a timely stop be not given to these and the like growing abuses, do, according to the examples of several of our predecessors of blessed memory, by these our special letters, straitly charge and command you, to use your utmost care and diligence that these directions, which, upon long and serious consideration, our late dear brother thought good to give concerning preachers, (anno 1662,) and which we upon like considerations have approved, and caused to be reprinted, and herewith sent unto you, be from henceforth duly and strictly observed by all the bishops, and others concerned therein, within your provinces. And to this end our will and pleasure is, that you forthwith send them copies of these our directions, to be by them speedily communicated to every parson, vicar, curate, lecturer, and preacher in every cathedral, collegiate, and parish-church within their dioceses: and that you earnestly require them to employ their utmost endeavour for the due observation of the same, whereof we shall expect a strict account, both of you, and every one of them: and these our letters shall be your sufficient warrant and discharge in that behalf.

Given at our court at Whitehall the fifth day of March, 1686, in the second year of our reign.

By his majesty's command,

SUNDERLAND. P.

needful. It had not been decent for
1686. a popish king, to have formed in his
council, where there were so many papists,
new directions to protestant clergymen. It

Directions concerning preachers.

I. That no preachers in their sermons presume to meddle with matters of state, to model new governments, or take upon them to declare, limit, or bound out the power and authority of sovereign princes, or to state and determine the differences between princes and the people; but that upon all good occasions they faithfully instruct the people in their bounden duty of subjection and obedience to their governors, superior and subordinate, of all sorts, and to the established laws according to the word of God, and the doctrine of the church of England, as it is contained in the homilies of obedience, and the articles of religion set forth by public authority.

II. That they be admonished not to spend their time and study in the search of abstruse and speculative notions, especially in and about the deep points of election and reprobation, together with the incomprehensible manner of the concurrence of God's free grace, and man's free will, and such other controversies as depend thereupon: but howsoever that they presume not positively, and doctrinally to determine any thing concerning the same.

III. That they forbear in their sermons ordinarily and causelessly to enter upon the handling of any other controversies of less moment and difficulty: but whensoever they are occasioned by invitation from the text they preach upon, or that in regard of the auditory they preach unto, it may seem requisite or expedient so to do; that in such cases they do it with all modesty, gravity, and candour, asserting the doctrine and discipline of the church of England, from the cavils and objections of such as are adversaries to either, without bitterness, railing, jeering, or other unnecessary or unseemly provocation.

IV. That for the more edifying of the people in faith and godliness (the aforesaid abuses laid aside) all ministers and preachers in their several respective cures, shall not only diligently apply themselves to catechise the younger sort, according as in the book of common prayer is appointed; but also, shall in their ordinary sermons insist chiefly upon catechetical doctrines (wherein are contained all the necessary and undoubted verities of christian religion) declaring withal unto their congregations what influences such doctrines ought to have into their lives and conversations, and stirring them up effectually, as well by their examples as their doctrines, to the practice of such religious and moral duties, as are the proper results of the said doctrines, as self-denial, contempt of the world, humility, patience, meekness, temperance, justice, mercy, obedience, and the like; and to a detestation and shunning of sin, especially such sins as are so rife among us, and common to the age we live in; such are those usually styled the seven deadly ones, in short, all kind of debauchery, sensuality, rebellion, profaneness, atheism, and the like. And because the late licentious times have corrupted religion, even in the very roots and foundations, that where

was sufficient to reprint the former, and threaten, and give ill names in the proclamation, to such as should speak of any present hazard from popery. And the high

there is an afternoon's exercise, it be especially spent either in explaining some part of the church catechism, or in preaching upon some such text of scripture, as will properly and naturally lead to the handling of some thing contained in it, or may conduce to the exposition of the liturgy, and prayers of the church (as occasion shall be offered) the only cause they grew into contempt amongst the people being this, that they were not understood. That also the minister, as often as conveniently he can, read the prayers himself; and when he cannot so do, he procure or provide some fit person in holy orders, who may do it with that gravity, distinctness, devotion, and reverence as becomes so holy an action: And whensoever, by reason of his infirmity, or the concurrence of other offices, the time may seem too short, or be unable to perform the office of both prayers and sermon at length, he rather shorten his discourse or sermon, than omit any thing of the prayers, lest he incur the penalty of the act for uniformity, requiring them to be read according as the book directs.

V. And further, our will and pleasure is, that all ministers within their several cures, be enjoined publicly to read over unto the people, such canons as are or shall be in force, at least once, and the thirty-nine articles twice every year, to the end they may the better understand, and be more thoroughly acquainted with the doctrine and discipline of the church of England, and not so easily drawn away from it as formerly they have been.

VI. Since preaching was not anciently the work of every priest, but was restrained to the choicest persons for gravity, prudence, and learning, the archbishops and bishops of this kingdom, are to take great care whom they license to preach, and that all grants and licences of this kind heretofore made by any chancellor, official, commissary, other secular person (who are presumed not to be so competent judges in matters of this nature) be accounted void and null, unless the same shall likewise be allowed by the archbishop or the bishop of the diocese, and that all licenses of preachers hereafter to be made or granted by any archbishop or bishop, shall be only during pleasure, otherwise to be void to all intents and purposes, as if the same had never been made or granted.

VII. Lastly, that for the better observing of the Lord's day, too much neglected of late, they shall, as by often and serious admonitions and sharp reproofs endeavour to draw off people from such idle, debauched, and profane courses as dishonour God, bring a scandal on religion, and contempt on the laws and authority, ecclesiastical and civil, so shall they very earnestly persuade them to frequent divine service on the Lord's day, and other festivals appointed by the church to be kept solemn; and in case any person shall resort unto any taverns or ale-houses, or use any lawful sports and exercises on such days, the ministers shall exhort those which are in authority in their several parishes and congregations,

commission court within a little, took care to rivet the threatenings in the proclamation; which, with the directions, are likewise reprinted at Edinburgh, to be a warning to our Scots conformable clergy.

June 2d, I find a letter comes down from the king, and is recorded in the justiciary-books, removing that worthy gentleman my lord Pitmedden, from being a lord of justiciary. His carriage in Cesnock's case stuck with the managers, and now he would not go into the measures laying down for bringing in popery, and therefore he is turned out of his posts. His ability in law, especially the criminal law, is publicly discovered in his edition of Sir George Mackenzie's criminals; and his love to all branches of learning, appears in his curious and vast library. This worthy person being yet alive, his modesty forbids me to say any more of him.

Why it was so long delayed I know not, since we have met with a parallel to this some months ago in Ireland and England; but June 16th, the council issue out a proclamation against slanderers and leasing-makers, which is annexed in a note.* No

carefully to look after all such offenders in any kind whatsoever, together with all those that abet, receive or entertain them, that they may be proceeded against according to the laws, and quality of their offences, that all such disorders may, for the time to come, be prevented.

Given at our court at Whitehall, the fifth day of March, 1686, in the second year of our reign.

By his majesty's command,

SUNDERLAND. P.

* *Proclamation against slanderers and leasing-makers, June 16th, 1686.*

James, by the grace of God, king of great Britain, France, and Ireland, defender of the faith, to our lyon king at arms, and his brethren, heralds, macers of our privy council, pursuivants, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting; whereas we are informed that divers ministers and others, to promote their seditious designs, do take upon them in sermons, and other discourses, to alarm the people, and to raise dialike of our person and government in their hearts, defaming and slandering our designs, or at least, meddling in our affairs; all which are highly punishable, and the punishments declared by our laws and acts of parliament, especially by the seventh act of the eighth par. of king James the VI. our royal grandfather, (of ever blessed memory) cap 134. intituled, "Anent slanderers of the king, his pro-

IV.

remarks are needful. It is just the revival of an old act of parliament, 1686.

genitors, estate and realm;" and of which, in so far as relates to these affairs, the tenor follows. "Forasmuch as it is understood to our sovereign lord, and his three estates assembled in this present parliament, what great harm and inconvenience has fallen in this realm, chiefly since the beginning of the civil troubles, occurred in the time of his highness's minority, through the wicked and licentious, public and private speeches, and untrue calumnies of divers his subjects, to the disdain, contempt, and reproach of his majesty, his council and proceedings, and to the dishonour and prejudice of his highness, his parents, progenitors, and estate; stirring up his highness's subjects thereby to misliking, sedition, unquietness, and to cast off their due obedience to his majesty, to their evident peril, tinsel, and destruction; his highness continuing always in love and clemency toward all his good subjects, and most willing to seek the safety and preservation of them all; which wilfully, needlessly, and upon plain malice after his highness's mercy and pardon oft-times afore granted, has procured themselves by their treasonable deeds, to be cut off as corrupt members of this commonwealth; therefore it is statute and ordained, by our sovereign lord and his three estates in this present parliament, that none of his subjects (of whatsoever function, degree, or quality in time coming) shall presume to take upon hand privately or publicly, in sermons, declamations, or familiar conferences, to utter any false, slanderous, or untrue speeches, to the disdain, reproach, and contempt of his majesty, his council and proceedings, or to the dishonour, hurt, or prejudice of his highness, his parents and progenitors, or to meddle in the affairs of his highness, and his estate present, bygone, and in time coming; under the pains contained in the acts of parliament, against makers and tellers of leasing: certifying them that shall be tried contraveners thereof, or that hear sik slanderous speeches, and report not the same with diligence, the said pains shall be executed against them with all rigour, in example of others." And to the end that so necessary and laudable a law may receive due and punctual obedience, we therefore, with advice of our privy council, do hereby declare, that the contraveners hereof any manner of way, shall be exemplarily punished with all rigour, conform to the prescript of the said statute in all points. And that our royal pleasure in the premises may be made public and known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and all the other market-crosses of the head burghs of the shires of this kingdom, and there in our name and authority, by open proclamation, make publication of our royal pleasure in the premises, that all our lieges may have notice thereof, and give obedience thereto, as they will be answerable at their highest peril.

Given under our signet, at Edinburgh the seventeenth day of June, one thousand six hundred eighty-six years, and of our reign the second year.

Per actum dominorum secreti concilii.

COLIN MACKENZIE, Cl. Secr. Concilii.
God save the king.

1686. James VI. parl. 8. cap. 134. and the reason of the proclamation is, because divers ministers take upon them to alarm the people. This is new style to the episcopal clergy, and much for their honour. And to end this year, in September the council emit another proclamation, containing the king's pardon and indemnity to the commoners in the shires of Argyle and Tarbet, which I have likewise added in a note *. This pardon is a new slur cast

* *Proclamation pardoning the shire of Argyle, September 10th, 1686.*

JAMES, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to our privy council, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as we being now resolved, for the ease of our good subjects, and quieting the shires of Argyle and Tarbet, out of our royal clemency and princely compassion, to indemnify the commoners therein, for their accession to the late Argyle's rebellion, with the exception aftermentioned, do therefore, with advice of our privy council, hereby give and grant our full, free, and ample pardon and indemnity to all the commoners within the said shires of Argyle and Tarbet, for their lives only; excepting such as shall be found by our commissioner, now sent thither, during his stay there, to have been either ring-leaders, or officers in the said rebellion, (who are hereby excluded.) And we hereby declare, that this our pardon and indemnity shall be to the said commoners (not excepted as said is) as valid and sufficient, for any accession they had to the said late rebellion, or for harbouring, resetting, conversing, or corresponding with these rebels, as if they and every of them had a particular remission for the said crimes, past under our great seal. And further, we hereby declare, that it is and shall be free to all our lieges, from the date hereof, to converse, correspond, and intercommune with, reset, harbour, and entertain the commoners indemnified, as said is, without incurring any hazard, or action, civil or criminal, upon that account, in all time coming: and that this our gracious and ample indemnity may be published and known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and there, in our royal name and authority, by open proclamation, make publication of our gracious pardon and indemnity above written, that all persons concerned may have notice thereof.

Given under our signet, at Edinburgh, the sixteenth day of September, one thousand six hundred and eighty six, and of our reign the second year.

Per actum dominorum secreti concilii.

Col. Mackenzie, cl. secr. concilii.

God save the king.

upon the unchristian and merciless address of the parliament last year, already noticed. It is confined to the subjects in those two shires, while there is no reason why it should not have extended to all the commons which joined with the earl, unless it be, that all could be expected was got already of these two shires. The king's pardon likewise is much curtailed, by its being only extended to the lives of the persons indemnified. The moveables, and every thing else valuable, lies open to every one who shall please to attack them. Yea, besides this, a commissioner is sent thither to mark out whom he pleases for ruin, and all whom he pitches on are expressly excepted out of the indemnity. Such half favours may protestant subjects expect from a popish prince.

CHAP. XI.

OF THE STATE AND CIRCUMSTANCES OF PRESBYTERIANS, DURING THE YEAR 1687.

This history having already run to so large a bulk, and not many 1687. particulars offering that are necessary to be insert, after so many instances of severity, I shall very quickly run through this year.

The papists by this time were come to have very big expectations of the restoration of their religion in Britain and Ireland, from the bigotted prince now on the throne. It is from them we may expect to understand best the state of this matter; and therefore I shall, in the entry of this year, insert from Mr Archdeacon Eachard, the copy of a letter from a jesuit at Liege, to a brother of his at Friburg, which contains a very full account of the expectations and designs of papists at this juncture. The world owes its first publication to that industrious author, very lately, and I doubt not but it will be acceptable to the curious reader. Its date is February 2d, 1687, and it runs thus:

"It is wonderful to see king James's great affection to our society: he wished prosperity to this whole college, by the reverend father the provincial, and earnestly recommended himself to our prayers. Upon father John Keynes's return into England, he gave him a most gracious reception, while earls and dukes were

commanded for some hours to wait for admittance) with whom, in the queen's presence, he discoursed with all familiarity. He asked him, 'how many candidates for orders he had, and how many students.' And upon the provincial's answer to his majesty, who was very urgent with him, 'that of the former, and of the latter, he had above fifty.' He replied, 'There would be occasion for double or treble that number, to effect what he designed for that society's performance;' and ordered, that they should be all exercised in the art of preaching; for now, says he, 'England has need of such.' I do not doubt but you have heard, that the king, writing to Father de la Chaise, the French king's confessor, concerning the affairs of the house among the Walloons, declared, that whatever was done to the English fathers of that house, he would look upon as done to himself. Father Clare, rector of the same house, being arrived at London, to treat of that matter, got an easy access to the king, and as easily gained his point. The king himself forbid him to kneel, and kiss his hand, according to custom, saying, 'Reverend father, you have indeed once kissed my hand; but if I had known then, as I do now, that you were a priest, I would rather myself, father, have knelt down and kissed your hand.' After he had finished his business in a familiar conversation, his majesty told this father, 'That he would either convert England or die a martyr, and he had rather die the next day and convert it, than reign twenty years piously and happily, and not effect it.' Finally, he called himself 'a son of the society, of whose good success,' he said, 'he was as glad as of his own.' And it can scarcely be expressed, how much gratitude he showed, when it was told him, 'That he was made partaker,' by the most reverend our provincial, 'of all the merits of the society,' out of which he is to nominate one for his confessor; but hitherto it is not known who it will be. Some report, that it will be the reverend father the provincial, but still there is no certainty of that. Many are of opinion, that Father Edward R. Petre, who is chiefly in favour with the king, will obtain an archbishopric, but more believe it will be a cardinal's cap. To him has been granted, within this month or two, all that part of the palace, in which the king used to reside, when he was duke of York, where there is not a day but you may see, I know not how many courtiers waiting to speak to his eminence, for so, they say, he is called. For the king advises with him, and with many catholic lords, who have the chief places in the kingdom, to find a method to propagate the faith without violence. Not long since, some of these lords objected to the king, 'That they thought he made too much haste to establish the faith.' To whom he an-

swered, 'I am growing old, and must 1687.
take large steps, else, if I should happen to die, I might perhaps leave you in a worse condition than I found you.' When they asked him, 'Why then he was so little concerned about the conversion of his daughters, who were the heirs of the kingdom.' He answered, 'God will take care of that, leave the conversion of my daughters to me. Do you, by your example, convert your tenants and others to the faith.' He has catholic lord-lieutenants in most counties, and we shall shortly have catholic justices of the peace in almost all places. We hope also, that our affairs will have good success at Oxford. In the public chapel of the vice-chancellor, who is a catholic, there is always one of our divines, who has converted some of the students to the faith. The bishop of Oxford himself seems to be a great favourer of the catholic faith. He proposed to the council, 'Whether it did not seem to be expedient, that at least one college should be granted to the catholics at Oxford, that they might not be forced to study beyond sea at such great expenses;' but it is not yet known what answer he had. The same bishop having invited two of our brethren, together with some of the nobility, drank the king's health to a certain heretic lord who was in company, wishing his majesty good success in all his undertakings; adding also, 'That the religion of the protestants in England did not seem to him in a better condition, than Buda was before it was taken, and that they were next to atheists that defended that faith.' Many embrace the true religion, and four of the most considerable earls have lately made public profession of it. Father Alexander Keynes, the provincial's nephew, to whom is committed the care of the chapel belonging to the elector of Palatine's envoy, is continually taken up in solving and answering the questions of heretics, who doubt of their faith, of whom you may see two or three together, walking by the chapel door, continually disputing about some point of religion. As to prince George, it is yet uncertain what religion he professes. We gradually begin to get footing in England, we teach humane learning at Lincoln, Norwich, and York, and at Worcester we have a public chapel, protected by a guard of the king's soldiers; and we are to buy some houses in the town of Wigan, in Lancashire. The catholic interest grows very strong, and at some churches granted to the catholics, upon holy days there are often counted fifteen hundred present at the sermon. At London also, our business is carried on with the same good success; sermons are preached upon every holy day, and there are so many that frequent the chapels, that they are not big enough to hold them. Two of our society, Dormer and Bertue,

1687. preach continually before the king and the queen, father Edward Neville before the queen dowager, father Alexander Keynes, in the chapel aforesaid, others in other chapels. There are many houses bought in the Savoy, near Somerset house, which is the queen dowager's palace, towards the erecting the first college in London, for about eighteen thousand florins; and they are hard at work to bring them to the form of a college, that a school may be opened before Easter. A catholic lord-lieutenant is shortly to go over to Ireland, because the king cannot be satisfied with any other, to establish the catholic interest in that kingdom. The parliament will certainly sit in this month of February, of whom his majesty is to ask three things. *First*, that by a general act, all the catholic peers may be admitted to sit in the upper-house. *Secondly*, that the test may be abolished; and *Thirdly*, which is the chief point, that all penal laws against catholics should be abrogated. And that he may the better obtain these things, he designs to let them all know, 'That he is resolved to turn out all those who will not heartily act for the obtaining of them, and likewise dissolve the parliament.' At which resolution some heretics being terrified, came to a certain earl to advise with him what might be done; to whom he answered, 'The king's mind is sufficiently known; what he has once said, he will certainly perform; if you love yourselves, submit to the king's pleasure.' There is to be a great preparation of war at London, and a fleet of above an hundred men-of-war is to be fitted out against the spring, but against whom it is uncertain. The Dutch are under great apprehensions, but for what reason, although they are said to make an armament, time will best discover."

In Scotland the former hardships continued upon good numbers of presbyterians. Heavy oppression remained upon many places in the west and south, during this year; severals were fined for nonconformity, and good numbers were banished to the plantations in the entry of this year. The justiciary went on in forfeiting of some, and processing others; and we shall meet with part of the old spirit working in the privy council, against conventicles. But the great thing for which this year was remarkable, is the liberty granted by the king, first to the papists, and with them, under restrictions, to the presbyterians, who still refused it, till, after several shapes, in July it came unclogged with any thing gravaminous to their consciences; and this put an end to the sufferings of the greatest part of

them. The accounts of those things I shall comprise in two sections, and hasten to the end of this work.

SECT. I.

Of the procedure of the justiciary and council, with the general state of the persecution through the country, this year, 1687.

I HAVE already given the reasons of the abatement of the persecution against presbyterians, and I shall give but a few instances of its continuance, if once I had run through the procedure of the justiciary and council, from any thing I have met with of their actings.

To begin with the criminal records; upon the first of February, by a letter from the king, Sir John Dalrymple, son to the late president, is received king's advocate in Sir George Mackenzie's room. The springs of this change I shall leave to the civil historians of this period. That same day James Sloss, a worthy merchant in Glasgow, since the revolution one of the bailies of that city, and mentioned before in this history, produced before the lords relaxation from the horn, for alleged being at Bothwell-bridge, and no further probation being offered against him, he is dismissed; and that same day great numbers of country people from the parish of Kilbride, and other neighbouring parishes in Lanarkshire, cited before the lords for reset and converse with rebels, and accession to Bothwell, are liberate, no proof appearing against them. March 4th, some more persons are before the lords, for their joining with the late earl of Argyle. And Campbell of Oak, Campbell of Drumfunish, Campbell of Dalton, Campbell of Ulva, are found guilty, and the lords decern them to be executed to death, &c. as in common form, when apprehended. And upon the 8th of March, Lawmont of Meandrynan, Campbell of Artarich, M'Phun of Invernydan, M'Collum of Reanlochtean, M'Phun of Dryp, and Campbell of Sonachan, are found guilty, and sentenced as above. These are all I meet with prosecuted upon the earl's attempt. May 4th, commences a very long process in the criminal books, of many

sheets of paper, against several country people, for their accession to Bothwell-bridge, now seven years after the alleged guilt. The advocate presents an indictment of treason and rebellion, for accession to Bothwell, against the following persons, John Love younger in Little-Govan, John King elder and younger there, Alexander Clerk, William Caldwell there, Humphrey Barbar in Risk, John Caldwell, William Orr there, John Patison elder in Lochside, James Wilson in Mosshead, John Caldwell in Beltrees, John Orr, Thomas Caldwell, William Caldwell, Andrew Robertson, Robert Orr, David Smith, Robert King, Robert Orr in Beltrees, and James Robertson. The lords give their interlocutor, that the pannels rendezvousing in arms at Middleton-hill, the week before Bothwell-bridge, is relevant to infer treason, and remit the probation to an assize. May 5th, there are long and learned debates about witnesses, too large here to be abbreviated. May 6th is spent in examination of witnesses, who prove very little; and May 7th, the assize assoilzie the pannels. Upon the day last named, the lords have another process before them. John Vallange, James Carshill, John M'Aulay, and Hugh Smith, are indicted for corresponding with Mr James Renwick, for traitorous principles, and frequenting conventicles. The advocate restricts the libel to their owning traitorous principles, being present at field conventicles, refusing to own the king's authority, and to assert his prerogative. The lords give their interlocutor, that the libel infers an arbitrary punishment, which is not the method of former years, and the diet is continued; and I find no more about them. June 30th, Semples in Nethershiels, Pater-son, Scot, Fleming, Lawrie, Chapelton, are indicted for accession to Bothwell, and the diet is deserted.

In July, the criminal court have before them a process against the forenamed doctor Gilbert Burnet, sometime professor of divinity at Glasgow, and since the revolution bishop of Sarum. This great ornament of his country is so well known to the world, that it were to light a candle to the sun, for me to offer any account of him.

His vigorous appearances against popery exasperated the king and the je- 1687.
suists about him, so far as to show their spite by this mean process against him in absence, and when out of the nation, by the king's own permission. And all the hurt they could do him, was to bring him in among the rest of the excellent and worthy patriots and protestants, who felt, in as far as they could be reached, the fury of this period. When, in common course, he behoved to be cited at the pier and shore of Leith, accounts were sent him by his friends of this impotent malice the king and managers here were showing against him. Whereupon the doctor wrote a letter to the earl of Middleton, secretary, if possible, to divert this process; a copy of which being before me, I have insert it here.

" Hague, May 3d, 1687.

" May it please your Lordship,

" The affairs of this province belonging to your lordship's share in the ministry, this leads me to make this humble address to your lordship, and by you to his majesty. I have received advertisement from Scotland, that the king has writ to the privy council, ordering me to be proceeded against for high treason against his person and government, and that, pursuant to this, the king's advocate has cited me to appear there. If any thing in the world can surprise and disorder me, this must needs do it; for as few men have written more, and preached oftener against all sorts of treasonable doctrines and practices than myself, so all the discoveries that have been made of late years, have been so far from aspersing me, that though there has been disposition enough to find fault with me, yet there has not matter been given so much as for examination. It is thirteen years since I came out of Scotland; for these last five years, I have not so much as mentioned the commonest news in any letter that I have written to any in that kingdom. I do not mention acts of indemnity, because I know that I need not the benefit of them. I went out of England by his majesty's approbation, and I have stayed out of it, because his majesty expressed his dislike of my returning to it. I am now upon the point of marrying in this country, and I am naturalized by the states of Holland; but though by this, during my stay here, my allegiance is transferred from his majesty to the sovereignty of those provinces, yet I will never depart from the profoundest respect to his sacred person, and duty to his government. Since my coming to

1687. these parts, I have not seen any person, either of England or Scotland, that is outlawed for treason; and when the king took exceptions to my access to the princess and prince of Orange, there was not a thing of this kind objected to me: so I protest to your lordship, I do not so much as imagine upon what it is that these informations, that, it seems, are brought to his majesty, are founded.

“ My lord, as I am not ashamed of any thing I have done, so I am not afraid of any thing my enemies can do to me: I can very easily part with a small estate, and a life of which I have been long weary; and if my engagement in this country could dispense with it, I would not avoid the coming to stand my trial: but as this cannot be expected in the estate in which I am, so I humbly throw myself at his majesty's feet, and beg that he may not condemn me, not so much as in his thoughts, till I know what is the crime that is objected to me, so as I may offer a most humble justification of myself to him. I shall be infinitely sorry, if any judgment that shall pass upon me in Scotland, shall oblige me to appear in print for my own defence: for I cannot betray my own innocence so far as to suffer any thing of this nature to pass upon me, without printing an apology for myself: in which I will be forced to make a recital of that share I have had in affairs those twenty years bypast, and in which I must mention a vast number of particulars that I am afraid must be displeasing to his majesty; and as I will look upon this, as one of the greatest misfortunes that can possibly befall me, so with all the duty and humility in the world, I beg that I may not be driven to it. I will not presume to add one word to your lordship, nor to claim any sort of favour or protection from you, for I address only myself to you as the king's minister for those provinces.

“ I am, my lord,” &c.

This pathetic letter had no effect. Soon after, his indictment or criminal letters came to his hand, dated 19th, a copy whereof I have added below.* The wit-

* *Criminal Letters against Doctor Gilbert Burnet, 1687.*

JAMES, &c. To our lovits, &c. heralds, pursuivants, macers, and messengers-at-arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as it is humbly meant and complained to us, by our right trusty and familiar counsellor, Sir John Dalrymple the younger of Stair, our advocate, for our interest, upon Doctor Gilbert Burnet. That where, notwithstanding by the laws and acts of parliament, and constant practick of this our kingdom, the venting of slanderous, treasonable, and advised speeches and positions, and

nesses are added. To those he drew up an answer, which, evincing clearly his in-

the reproaching our person, estate, and government, and the resetting, supplying, aiding, assisting, intercommuning with, and doing favours to denounced rebels, or forfeited traitors, are punishable by forfeiture of life, land, and goods; and particularly by the 134 act of 8 parl. king Jam. VI. it is statute and ordained, that none of our subjects of whatsoever degree, estate, or quality, shall presume or take upon hand, privately or publicly, in sermons, declamations, or familiar conferences, to utter any false, slanderous, or untrue speeches, to the disdain, reproach, or contempt of us, our council or proceedings, or to the dishonour, hurt, or prejudice of us, or to meddle in our affairs or estate bygone, present, or in time coming, under the pain of death, and confiscation of moveables. And by the 10 act, 10 parl. Jam. VI. it is statute and ordained, that all our subjects contain themselves in quietness, and dutiful obedience to us, our government and authority; and that none of them presume, or take upon hand publicly to declaim, or privately to speak or write any purpose of reproach or slander against our person, estate, or government, or to deprave our laws and acts of parliament, or misconstrue our proceedings, whereby any dislike may be moved betwixt us, our nobility and loving subjects, in time coming, under the pain of death; and that these that do in the contrary shall be reputed as seditious and wicked instruments, enemies to us, and the common-well of this realm, and that the said pain of death shall be inflicted upon them with all rigour, in example of others. And by the 2 act, 2 sess. of the 1 parl. of king Char. II. we and our estates of parliament do declare, that in these positions that it is lawful for subjects, upon pretence of reformation, or any other pretence whatsoever, to enter into leagues or covenants, or to take up arms against us, or these commissioned by us, or to put limitations upon the due obedience and allegiance, are rebellious and treasonable; and that all persons who shall, by writing, preaching, or other malicious and advised speaking, express these treasonable intentions, shall be proceeded against, and adjudged traitors, and shall suffer forfeiture of life, lands, and goods; likewise, by the 3 act, 1 parl. King Jam. I. and 87 act of his 2 parl. and by the 9 act of 13 parl. King James II. and 144 act, 12 parl. James VI. and divers and sundry other laws and acts of parliament of this our kingdom, it is declared high treason for any of our subjects to reset, supply, or intercommune with declared or forfeited traitors, or give them meat, drink, house, harbour, or any relief or comfort; and if they do in the contrary, they are to undergo the same pains the said traitors or rebels ought to have sustained, if they had been apprehended. Nevertheless, it is of verity, that the said Doctor Gilbert Burnet, shaking off all fear of God, conscience, and sense of duty, allegiance and loyalty to us his sovereign and native prince, upon the safety of whose person and maintenance of whose sovereign authority and princely power, the happiness, stability, and quietness of our subjects depend, has most perfidiously and treasonably presumed to commit, and is guilty of the crimes above mentioned, in so far as Archi-

nocent, I have annexed to the preceding note.* Those his answers the doctor sent inclosed in another letter to the earl of Middleton, which deserves a room here, and it follows.

bald Campbell, sometime earl of Argyle, James Stuart son to Sir James Stuart sometime provost of Edinburgh, Mr Robert Fergusson sometime chaplain to the late earl of Shaftsbury, Thomas Stuart of Cultness, William Denholm sometime of Westbiels, Mr Robert Martin sometime clerk to our justice-court, and several other rebels and traitors, being most justly, by our high courts of parliament and justice-court, forfeited for the crimes of treason, and fled to our kingdom of England, and to Holland, Flanders, Geneva, and several other places, the said doctor Gilbert Burnet did, upon the first, second, and remanent days of the months of January, February, and remanent months of the years 1682, 1683, 1684, or January, February, March, or April, 1685, converse, correspond, and intercommune with the said Archibald late earl of Argyle, a forfeited traitor, and that within the said doctor Burnet his dwelling-house, in Lincoln's Inn-fields, near the Plough-inn in our city of London, or suburbs thereof, or some other part or place within our kingdom of England, defamed, slandered, and reproached, and advisedly spoke to the disdain and reproach of our person, government, and authority, wrote several letters, and received answers thereto, from the said forfeited traitor, when he was in Holland or elsewhere, expressly contrary to his duty and allegiance to us his sovereign lord and king. And sikklike, upon the first, second, and third days of the months of May, June, July, August, September, October, November, and December, 1685, and upon the first, second, and third days of the months of January, February, and remanent months of the year 1686, and first, second, and third days of the months of January, February, March, 1687, or any other of the days of any other of the said months or years, the said doctor Gilbert Burnet did most treasonably reset, supplied, aided, assisted, conversed, and intercommuned with, and did favours to the said James Stuart, Mr Robert Fergusson, Thomas Stuart, William Denholm, and Mr Robert Martin, forfeited traitors and rebels, in the cities of Rotterdam, Amsterdam, Leyden, Breda, Geneva, or some other part or place within the Netherlands, or elsewhere, publicly and avowedly uttered several speeches and positions, to the disdain of our person, authority, and government, continues and persists in such undutiful and treasonable practices against us and our government, (we being his sovereign lord and prince) expressly contrary to his allegiance and duty. By committing of the which crimes above specified, or either of them, the said doctor Burnet is guilty and culpable of the crime of high treason, and is art and part thereof, which being found by any inquest, he ought and should suffer forfeiture of life, land, and goods, to the terror and example of others to commit the like hereafter. Our will is therefore, and we charge you straitly and command, that incontinent, this our letter seen, ye pass, and in our name and authority, command and charge the said doctor Gilbert Burnet above complained upon, by sound of trumpet, with displayed coat,

" May it please your lordship,

" The copy of the citation against me 1687.

has been sent me out of Scotland since I took the liberty to write last to your lordship; this puts me on a second address to you, for conveying the inclosed answer, which I most humbly lay

and using other solemnities necessary, to come and find sufficient caution and surety, acted in our books of adjournal, that he shall compare before our lords justice-general, justice-clerk, and commissioners of justiciary, within the tolbooth or criminal court-house of Edinburgh, the twenty seventh day of June next to come, in the hour of cause, there to underly the law for the crimes above mentioned, and that under the pains contained in the new acts of parliament; and that ye charge him personally, if he can be apprehended, and failing thereof, at his dwelling-house, and by open proclamation at the market cross of the head burgh of the shire, stewartry, regality, and other jurisdiction where he dwells, to come and find the said surety acted in manner foresaid, within six days, if he be within this our kingdom; and if he be out with the same, that ye command and charge him in manner foresaid, by open proclamation at the market-cross of Edinburgh, pier and shore of Leith, to come and find the said surety within threescore days next after he is charged by you thereto, under the pain of rebellion, and putting of him to our horn. Which six and threescore days respectively being bypast, and the said surety not being found, nor no intimation made by him to you of the finding thereof, that ye incontinent thereafter denounce him our rebel, and put him to our horn, escheat and bring in all his moveables, goods, and gear to our use, for his contempt and disobedience. And if he come and find the said surety, intimation being always made by him to you of the finding thereof, that summons and assize hereto, not exceeding the number of forty five persons, together with such witnesses who best know the verity of the premises, whose names shall be given you in roll, subscribed by the said complainer, ilk person under the pain of an hundred marks. And that ye, within fifteen days after his denunciation for not finding of caution, cause registrate thir our letters, with your executions thereof, in our books of adjournal, conform to the act of parliament made thereanent, according to justice, as ye will answer to us thereupon. The which to do commits to you conjunctly and severally our full power, by thir our letters, delivering them to be by you duly executed, and indorsed again to the bearer.

Given under our signet, at Edinburgh, the nineteenth day of April, and of our reign the third year, one thousand six hundred and eighty seven.

Ex deliberatione Dominorum Commissionariorum Justiciarum.

THO. GORDON.

The witnesses against Doctor Gilbert Burnet, are,

Mr William Carstairs, preacher,
Robert Baird, merchant in Holland,
Mr Richard Baxter, preacher,
Sir John Cochran of Ochiltree,
John Cochran of Waterside,
Mr Rob. West, lawyer, Englishman,
Mr Zach. Burn, brewer, Englishman.

1687. down at his majesty's feet. I am confident, that the falsehood of the mat-

**Doctor Burnet's answer.*

I look upon it as a particular misfortune, that I am forced to answer a citation that is made in his majesty's name, which will be ever sacred to me, that nothing but the sense of an indispensable duty could draw from me any thing that looks like a contending with that sublime character. I owe the defence of my own innocence, and of my reputation and life to myself; I owe also to all my kindred and friends, to my religion, as I am a Christian and a protestant, and to my profession as I am a churchman, and above all to his majesty as I am his born subject, such a vindication of my loyalty and integrity, as may make it appear, that my not going to Scotland, according to the tenor of this citation, does not flow from any sense of guilt or fear, but merely from those engagements under which I am in Holland. I hope my contradicting or refuting the matters of fact set forth in this citation, shall not be so maliciously perverted by any, as if I meant either to reflect on his majesty for writing to his council of Scotland, ordering this citation to be made, or on his advocate for forming it, and issuing it out: but as I acknowledge, that upon the information it seems was offered of those matters here laid against me, it was very reasonable for his majesty to order justice to be done upon me; so his advocate, in whose hands those informations it seems are now put, had all possible reason to lay them against me as he has done; and therefore I will not pretend to make any exception to the laws and acts of parliament set forth in the first part of this citation; but I will only answer the matters of fact laid to my charge, and whatsoever I say concerning them, does only belong to my false accusers; and therefore I hope they will not be looked on as things in which even his majesty's advocate, but much less his sacred majesty, is in any way concerned.

I am first accused for having seen, conversed with, and held correspondence with the late earl of Argyle; and to make this appear the more probable, the place is marked very critically where I lived, and where, as it is pretended, we met; but it is now almost two years since the late Argyle was taken, and suffered, and that a full account was had of all his secret practices, in all which I have not been once so much as mentioned, though it is now a year since I have lived and preached openly in these provinces. The truth is, that for nine years before the late earl of Argyle's forfeiture, I had no sort of correspondence with him, nor did I ever see him since the year 1676. After his escape out of prison I never saw him, nor wrote to him, nor heard from him, nor had I any sort of commerce with him, directly nor indirectly; the circumstance of my house, and the place wherein I lived is added, to make the thing look somewhat probable: but though it is very easy to know where I lived, and I having dwelt in Lincoln's-inn-fields, the space of seven years, it was no hard matter to add this particular; yet so inconsiderate is the malice of my enemies, that even in this it leads them out of the way; for soon after Argyle's escape, and during the stay that, as is believed, he made in London, I had removed from Lincoln's-inn-fields into Brook-

ters objected to me, will appear so evident to his majesty, as well as to all the world

buildings, this makes me guess at the informer, who saw me often in the one house, but never in the other; and yet even he who has betrayed all that ever passed between us, has not impudence enough to charge me with the least disloyalty, though I concealed very few of my thoughts from him. With this of my seeing the late Argyle, the article of the scandalous and treasonable words pretended to be spoken by me to him, against his majesty's person and government, falls to the ground: it is obvious that this cannot be proved, since Argyle is dead; and it is not pretended, that these words were uttered in the hearing of other witnesses, nor is it needful to add that his majesty was then only a subject, so that any words spoken of him at that time cannot amount to treason; but I can appeal to all these with whom I have ever conversed, if they have ever heard me fail in the respect I owed the king; and I can easily bring many witnesses from several parts of Europe, of the zeal with which I have on all occasions expressed myself on those subjects; and that none of all these hard words that have been so freely bestowed on me has made me forget my duty in the least.

I am in the next place accused of correspondence with James Stuart, Mr Robert Fergusson, Thomas Stuart, William Denholm, and Mr Robert Martin, since my coming out of England; and that I have entertained and supplied them in foreign parts, particularly in the cities of Amsterdam, Rotterdam, Leyden, Breda, Geneva or in some other parts within the Netherlands. This article is so very ill laid in all its branches, that it shows my enemies have very ill informations concerning my most general acquaintance, since, though there are amongst those who are condemned for treason, some that are of my kindred and ancient acquaintance, they have here cast together a company of men, who are all (James Stuart only excepted) absolutely unknown to me, whom I never saw, and with whom I never exchanged one word in my whole life, as far as I can remember; one of them, Mr Robert Martin, was, as I ever understood it, dead above a year before I left England; as for James Stuart, I had a general acquaintance with him twenty years ago, but have had no commerce with him now for many years, unless it was that I saw him twice by accident, and that was several years before there was any sentence passed on him; my accusers know my motions ill, for I have not been in Breda these twenty three years, I settled in the Hague upon my coming into Holland, because I was willing to be under the observation of his majesty's envoy: and I chose this place the rather, because it was known that none of those that lay under sentences come to it. I have never gone to Amsterdam or Rotterdam in secret, and I have never been there but upon my private affairs, and that never above a night or two at a time, and I have been so visible all the while that I was in these places, that I thought there was not room left even for calumny.

In the last place, it is said that I have publicly and avowedly uttered several speeches and positions to the disdain of his majesty's person, authority, and government, and that I continue and persist in these treasonable practices; this

besides, that he will not only order the proceedings to be quite discharged, but that he will also order some reparation to be made to me, for so public a blemish, as even a citation for so high a crime amounts to. I confess, the many hard things that have of late been cast on me, and in particular to young and old, and foreigners as well as Englishmen, that have been coming into those parts, make me see that my enemies have possessed his majesty with thoughts of me, that I must crave liberty, with all humility,

is so generally asserted, that it is enough for me to say, it is positively false: but I have yet clearer evidence to the contrary of this; I have preached a whole sermon in the Hague against all treasonable doctrines and practices, and particularly against the lawfulness of subjects rising in arms against their sovereign, upon the account of religion; and I have maintained this so oft both in public and private, that I could, if I thought it convenient, give proofs of it, that would make all my enemies be ashamed of their injustice and malice.

The witnesses cited against me are, first, Sir John Cochran, whom I have not seen above these four years last past, and with whom I have had no sort of commerce since I saw him. It is almost two years since he had his pardon, so it is probable he then told all that he has ever told concerning me: and it is not likely that the matter would have been let lie sleeping all this while, if he had said any thing to my prejudice. I confess I have been long acquainted with him; I look upon him as a man of honour, and I reckon myself so safe in his honour, and in my innocence, that I do freely release him from all the obligations of friendship and confidence, and wish that he may declare every thing that has ever passed between us; for then I am sure he will do me the right to own, that as oft as we talked of some things that were complained of in Scotland, I took the occasion to repeat my opinion of the duty of subjects, to submit and bear all the ill administrations that might be in the government, but never to rise in arms upon that account. The next witness is his son, whom I never saw but once or twice, and with whom I never entered into any discourse, but what became a man of my profession to so young a person, exhorting him to the duties of a Christian. The next two are Mr West and Mr Burn, whose faces I do not know; after them come Mr Carstairs and Mr Baird, whose faces I know not either. It seems these are the witnesses to be led against me, for the article relating to the Netherlands; but as I am wholly a stranger to Mr Carstairs, so I do not so much as know if there be such a person in being as Mr Baxter; I have had no correspondence at all with him these two and twenty years, unless it was, that once or twice I met him by accident, in a visit in a third place, and that once, about six years ago, I went to discourse with him concerning a matter of history, in which we differed; but as all our conversation at that time, was in the presence of some witnesses, so it was not at all relating to matters of state.

And now I have gone over all the matter that is laid against me in this citation, and have

to say, that they are as undeserved as hard. 1687. What have I done or said, to draw on me so heavy and so long a continued displeasure? But my comfort lies in the witness that I have within me of my own innocence, so that I dare appeal to God, as I do now with all duty to his vicegerent. Since this matter is now become so public, and that now my name is so generally known, I must not be wanting to my own innocence, especially, when not only my life and reputation are struck at, but the religion

made such reflections both on the facts that are alleged, and the witnesses that are named, as will, I hope, satisfy even my enemies themselves of the falsehood and injustice of these informations; so that I presume so far on his majesty's justice, as to expect that all the indignation which is kindled against me, will be turned upon my false accusers. To all this I will add one thing further, for my justification, though I am fully satisfied it is that which I am not obliged to do, and which, if I were in other circumstances, I would not do myself, as I would advise no other man to do it: for it is a part of that right that every man has, to preserve himself by all lawful ways, that he do not accuse himself, and, by consequence, that he do not purge himself by oath, of matters objected to him; and I do not so well approve of the courts of inquisition, as to give countenance to a practice which was first set on foot by them, of requiring men to answer upon oath to matters objected to them. If I were not a churchman, I would not do this which I am about to do, as I declare I will never do it again, let my enemies lay to my charge what they please; but the regard I have to this sacred function to which I am dedicated, makes me now, once for all, offer this solemn purgation of myself. "I attest the great God, the searcher of all things, and the judge of all men, that all the matters of fact laid to my charge in this citation, are utterly groundless and absolutely false." This I am ready to confirm with my corporal oath, and to receive the sacrament upon it.

And now I hope I have said enough to satisfy his majesty concerning my innocence, so that I am confident he will not only discharge all further proceedings against me upon this accusation, but that he will express his royal displeasure against my false accusers: but if the power of my enemies, and their credit with his majesty, is still so great, that this matter shall be carried further, and that advantage shall be taken from my not appearing in Scotland, to proceed to a sentence against me, which some brutal men now in the Hague, are threatening before-hand, that they will execute it, I then make my most humble appeal to the great God, the King of kings, who knows my innocence, and to whom my blood will cry for vengeance against all that may be any way concerned in the shedding of it: he will, at the great day, judge all men righteously, without respect of persons; it is to him that I flee, who, I am sure, will hear me, "judge me, O God, according to the integrity that is in me."

GILBERT BURNET.

At Hague in Holland, 17th May, O. S. 1687.

1687. I profess is wounded through my sides : therefore, till I have put in order my memoirs for a larger work, I find it in some sort necessary to print the citation, together with this answer. But I had much rather have all this prevented by an effect of his majesty's justice, in ordering an end to be put to this accusation ; and that by some act that may be as public as the citation itself was, which may bear his majesty's being satisfied with my innocence as to these matters ; but if I have still as melancholy an answer to this, as I have had to all the former applications I have made, I must maintain my innocence the best way I can, in which I will never forget that vast duty I owe his majesty, whatsoever I may meet with in my own particular. If there is any thing, either in the inclosed paper, or in this letter, that seems a little too vehement, I hope the provocation that I have met with will be likewise considered ; for while my life and reputation are struck at, and while some here are threatening so high, a man must be forgiven to show that he is not quite insensible : though my duty to the king is proof against all that can ever be done to provoke me, yet I must be suffered to treat the instruments and procurers of my disgrace, who are contriving my destruction, with the plainness that such practices draw from me. I will delay printing any thing for a fortnight, till I see whether your lordship is like to receive any order from his majesty relating to him, who is,

" May it please your lordship,
" Your lordship's," &c.

*At the Hague, May 17th, }
Old Style, 1687. }*

When the doctor's letters were altogether neglected, before the publishing his apology in print, he sent a third letter to the secretary, which likewise follows.

" May it please your lordship,

" I venture once more to renew my addresses to your lordship, before I print the paper that I sent you by my last, of the 17th of May, together with the two letters that I wrote you ; for I find it necessary to add this, and that it go with the rest to the press. I am told, that great advantages have been taken upon an expression in my first letter, in which I wrote, that by my ' naturalization, during my stay here, my allegiance was translated from his majesty to the sovereignty of this province,' as if this alone was crime enough : and I hear that some who have been of the profession of the law are of this mind. I indeed thought that none who ever pretend to study law, or the general notions of the intercourse among nations, could mistake in so clear a point. I cautioned my

words so, as to show that I considered this translation of my allegiance only as a temporary thing, ' during my stay here.' And can any man be so ignorant as to doubt of this ? Allegiance and protection are things by their natures reciprocal : since then naturalization gives a legal protection, there must be a return of allegiance due upon it. I do not deny but the root of natural allegiance remains, but it is certainly under a suspension while the naturalized person enjoys the protection of the prince or state that has so received him. I know what a crime it had been if I had become naturalized to any state in war with the king ; but when it was to a state that is in alliance with him, and when it was upon so just a ground as my being to be married and settled in this state, as it could be no crime in me to desire it, so I having obtained it, am not a little amazed to hear any are so little conversant in the law of nations, as to take exceptions at my words. Our Saviour has said, ' that a man cannot serve two masters : ' and the nature of things says, that a man cannot be at the same time under two allegiances. His majesty, by naturalizing the earl of Feversham and many others of the French nation, knows well what a right this gives him to their allegiance, which, no doubt, he as well as many others have sworn, and this is a translating their allegiance with a witness. That lord was to have commanded the troops that were sent into Flanders in 1678 against his natural prince : and yet, though the laws of France are high upon the points of sovereignty, it was never so much as pretended that this was a crime. And it is so much the interest of all princes, to assure themselves of those whom they receive into their protection, by naturalizing them, (since without that they should give protection to so many spies and agents for another prince) that if I had not very good ground to assure me that some have pretended to make a crime out of words, I could not easily believe it. My lord, this is the last trouble that I will give your lordship upon this subject : for it being now a month since I made my first address to you, I must conclude, that it is resolved to carry this matter to all extremities ; and Mr D'Albeville's instances against me, and the threatenings of some of his countrymen, make me conclude, that all my most humble addresses to his majesty, are like to have no other effect but this, that I have done my duty in them, so that, it seems, I am to be judged in Scotland. I am sorry for it, because this must engage me in a defence of myself, I mean, a justification of my own innocence, which I go to much against my heart ; but God and man see that I am forced to it : and no threatenings of any here will frighten me, for I will do that which I think fit for me to

do to-day, though I were sure to be assassinated for it to-morrow. But to the last moment of my life, I will pay all duty and fidelity to his majesty.

"My lord,

"I am, with all possible respects,

"Your lordship's," &c.

*At the Hague, the 6th of June, }
Old Style, 1687.*

Meanwhile the doctor gets a new citation, dated June 10th, mostly upon his first letter to the secretary, which I have likewise inserted below.* Thus every thing

* *Dr Burnet's second citation.*

JAMES, by the grace of God, &c. greeting. Forasmuch as it is humbly meant or complained to us, by our right trusty and familiar counsellor, Sir John Dalrymple the younger of Stair, our advocate for our interest, upon Dr Gilbert Burnet: that where, by the common law, by the acts of parliament, and the municipal laws of this kingdom, the declining or impugning our sovereign authority, or putting treasonable limitations upon the prerogatives of our crown, upon the native allegiance due by any of our subjects, born Scotsmen, whether residing within our dominions or not, are declared to be high treason, and punishable by the pains due and determined in the law for treason. Nevertheless it is of verity, that Dr Gilbert Burnet, who is a Scotsman by birth and education, being cited at the pier and shore of Leith, at the instance of our advocate, for several treasonable crimes, to underly the law, by virtue of particular command from us, direct to the lords of our privy council, and an act of our said privy council hereupon, ordering our advocate to intent the process; instead of appearing before the lords of justiciary, doctor Gilbert Burnet did write and subscribe a letter, dated at the Hague the third of May last, directed for the earl of Middleton, one of our principal secretaries of state for our kingdom of England: in the which, the said Dr shows, that in respect the affairs of the United Provinces fall to his lordship's share in the ministry, therefore he makes the following addresses to his lordship, and by him to us, and gives an account that he is certiorate of the process of treason executed against him, at the instance of our advocate; and, for answer thereto, the doctor writes, that he has been thirteen years out of the kingdom of Scotland, and that he is now upon the point of marrying in the Netherlands, and that he is naturalized by the states of Holland, and that thereby, during his stay there, his allegiance is translated from us to the sovereignty of the province of Holland; and, in the end of his letter, he certifies, that if this declinature be not taken off his hand, to sist the process, he will appear in print in his own defence, and will not so far betray his own innocence, as to suffer a thing of that nature to pass upon him, in which he will make a recital of affairs that have passed these twenty years, and a vast number of particulars, which he believes will be displeasing to us; and therefore desires, that he may not be forced to it, which is a direct declining of our authority, denying of his allegiance to us, and asserting, that his

was improven against the doctor and other worthy persons in this period, 1687. and turned to treason and the worst of crimes. In this citation there is no special law cited; and in law such a citation could scarce operate against him. Meanwhile this good and great man, when thus prosecuted by his own countrymen in absence, had this satisfaction, that so early as this or some time before, he foresaw, and made some proposals agreeable to the taking place of the protestant succession, in the then illustrious, and now royal family of Brunswick and Hanover; and under all the discouragements he had at home, his head was plodding abroad, upon what providence might do for the security of the holy reformation and protestant interest, so much at his heart now when popery was mounted the throne. And since his majesty king George his happy accession to the throne, in his old age he had a congratulatory letter from the Hanoverian minister, acknowledging he had the honour to be the first person who suggested a distant prospect of that comfortable turn of affairs to him, and by him to his master the elector. A person thus giving up himself to act for the protestant interest, could scarce escape the fury of this melancholy time in Scotland. Accordingly, July 7th, 'an indictment of high treason is tabled against Doctor Burnet before the lords of justiciary, for conversing and corresponding with James Stuart, Mr Robert Fergusson, Thomas Stuart late of Cultness, and William Denholm of Westshields, forfeited rebels; and being cited at the pier and shore of Leith, and not compearing, the lords denounce him, and order him to be put to the horn.' I have observed no more about him in the registers. When his large history of his own time, which the world impatiently waits for, is published, we will,

allegiance is translated from us to the sovereignty of the states of Holland, and a threatening us to expose, traduce, disparage, and belie our government, and the public actings for twenty years past; though he acknowledges it will be displeasing to us, yet, by a most indiscreet and disloyal insolence, he threatens to do it in contempt, except forsooth we will acquiesce, and suffer the declinature of our royal authority, and pass from the process, as having no allegiance due to us from the Dr, &c. in common form.

I hope, have this matter of the doctor's trouble at this time, set in a fuller light.

July 25th, I find another process in the records, John Anderson younger of Westerton is indicted, that, upon Tuesday, March 8th, 1687, he said in a company at Edinburgh, "that it was lawful for subjects to rise in arms for their own defence, and that otherwise no man's life or property was secure." And being desired to speak low, and the company threatening to abandon the room, he still uttered the same. The pannel confesseth he said so, comes in the king's mercy, and disowns it as his principle. Next day the assize bring him in guilty: and the lords decern him to be executed to death, demeaned as a traitor, and leave the time and place to the king. I meet with no more about him. This is a sad instance of the slavish spirit of this time. It was now high time for the people to awake out of their lethargy, when people were condemned to die for asserting the plainest and most certain principles.

November 7th, James Boyle prisoner, indicted for being at Bothwell, that he disowned the king's authority, by adding treasonable limitations, asserting that he was not king till he took the covenant, that he conversed with Mr James Renwick, and heard him preach in the fields. The pannel confesseth Bothwell-bridge to have been rebellion, owns the king to be lawful king without taking the covenant; confesseth he heard Mr Renwick, and that it was a transgression. The assize bring him in guilty. The lords sentence him to be executed at the Grass-market, December 7th, and forfeit all his goods to the king. He was not executed for any thing I find.

This is what I meet with remarkable in the criminal records this year. I come now forward to the procedure of the council, as far as any hints of it have come to my hand. Toward the beginning of January, there had been a sermon somewhere in the shire of Renfrew in the night time, at which, among others, James Cunningham merchant in Glasgow, and John Buchanan cooper there, were present. When they were returning to their houses,

they were seized and challenged where they had been, and being unwilling to give an account, were imprisoned; and there confessing they had been at a sermon, they were sent into Edinburgh, and banished to Barbadoes.

April this year, I find sixteen men, and five women, were banished to America, and gifted to captain Fairn, who carried them away in captain Croft's ship then lying at Leith. Their testimony they jointly signed lies before me, and therein they signify the reason of their sentence was, because they would not acknowledge the present authority to be according to the word of God, nor disown the Sanquhar Declaration, nor engage not to hear Mr James Renwick, and conclude with leaving their testimony against the evils of the times, and sign thus.

"James Hamilton, James Douglas, John Brown, George White, Alexander Bailie, Gilbert M'Culloch, Thomas Brown, John Wight, John Russel, William Hannah, John Stuart, James Richart, John White, John Aitken, Robert Mitchel, William Howie, Isobel Cassels, Agnes Keir, Isobel Steel, Margaret Weir, Beattie Weir."

The reader has had already the case of John Spreul, with the debates upon his torture, at great length. In May this year an order is granted to liberate him. Favour were now shown to the prisoners; and after near seven years' imprisonment, Mr Spreul sent a petition to the council, which follows from the original.

"Whereas it is not unknown to your lordships, how that your lordships' petitioner, after his first imprisonment, was put to the extremity of the torture two several times, the which having sustained, was thereby assailed by the laws of this and all other nations. Thereafter, when he was indicted, he was also cleared by the verdict of the whole assize, and thereupon assailed by the lords of the justiciary; and at last being libelled before your lordships by his majesty's advocate, who could prove nothing against him, yet your lordships being pleased to fine him, and continue his imprisonment so long, because he had not freedom to depone upon the libel, the reasons wherefore he could not, being not only from grounds in law, but especially from conscience, and his obligation and respect to the gospel of Jesus Christ, which are at more length expressed in his information, together with a touch at a

few of the great losses he hath sustained both before and since his imprisonment (what by sea, the great fire at Glasgow, house and shop taken from his wife in his absence, also by bad debtors, and through his imprisonment all is prescribed by law (that is due him) after three years past, the goods taken from him by major Johnston, and the death of his wife, and other great expenses since his imprisonment, (being these six years and five months) all which he humbly offereth to your lordships' consideration and pity. May it therefore please your lordships, to grant your lordships' petitioner liberty to follow his lawful calling in his native country, at least in any other nation where he may with best conveniency, not that he petitioneth for his own banishment, (and so to be sold as a slave, the which he would not be ashamed of, for the gospel's sake, if he be called of the Lord to it,) but the liberty of a freeborn subject is that he humbly begs, at least liberty a competent time to see if by law he can obtain any thing of his debtors to maintain himself in prison, seeing nothing hath been hitherto allowed him out of the goods taken from him by major Johnston, neither out of the treasury."

May 13th, the council grant the following act of liberation. "The lords of his majesty's privy council, having considered an address made in behalf of John Spreul apothecary in Glasgow, now prisoner in the isle of the Bass, supplicating for liberty, in regard of his majesty's late gracious proclamation, do hereby give order and warrant to Charles Maitland, lieutenant-governor of the isle of the Bass, to set the said John Spreul at liberty, he having found caution acted in the books of council, to appear before the council once in June next, under the penalty of one thousand pounds Scots money, in case of failie. Extracted by me, Colin Mackenzie, Cl. Secr. Concilii." When this order comes to the Bass, Mr Spreul was unwilling to take his liberty upon any terms that to him appeared inconsistent with the truths he was suffering for; and he apprehended this order involved him in an approbation of the proclamation specified, which he was far from approving. So much he signified to the governor of the Bass, and continued some time in prison, till a letter came over requiring the governor to set open doors to him, and tell him he was at liberty to go, or stay, as he pleased. Whereupon, after so long an imprisonment, he chose to come

out under a protestation against what he took to be wrong in the orders and proclamation, and went over to Edinburgh, and waited on the counsellors, thanked them for allowing him liberty, and verbally renewed his protest against the proclamation and orders. Thus ended the long tract of sufferings this good man was under. 1687.

The council was much taken up in the former part of this year, in framing the different shapes of the liberty and indulgence; but these will come in upon the next section. In October they emit a proclamation anent field-conventicles, and house meetings, of the date October 5th, which is added at the bottom of the page.* I find

* *Proclamation against conventicles, 1687.*

JAMES, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our privy council, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, and to all and sundry our lieges and subjects, whom it effeirs, greeting: Whereas we having, by our proclamation of the twentieth of February last past, and our other proclamation of the twenty-eighth of June thereafter, explaining and extending the same in favours of all our subjects of this kingdom, of whatsoever profession, granted full liberty to them to meet, and serve God in their own way and manner, on the terms therein expressly mentioned: yet we understanding, that several seditious preachers, and others, declared fugitives, do, nevertheless of that our great and unexpected clemency and favour, meet in the open fields, and there keep conventicles, (these rendezvouses of rebellion) and that great numbers of persons of all sorts, do frequent these seditious meetings, and many in arms. We have thought fit therefore, with advice of our privy council, hereby to declare, that not only all such persons, (whether preachers or hearers, that shall presume to be at any conventicle in the open fields) but also all dissenting ministers, who shall take upon them to preach in houses, without observing such directions as are prescribed by our said late proclamation, viz. "That nothing be preached or taught among them, which may any way tend to alienate the hearts of our people from us or our government, and that their meetings be peaceable, openly, and publicly held, and all persons freely admitted to them, and that they do signify and make known to some one or more of our next privy counsellors, sheriffs, stewarts, bailies, justices of peace, or magistrates of royal burghs, what place or places they set apart for these uses, with the names of the preachers;" shall be prosecuted with the utmost rigour and severity that our laws, acts of parliament, and constitutions of this our ancient kingdom, will allow: requiring hereby all our officers, civil and military, and all other our good subjects, who are or may be any way concerned in the execution thereof, to see this our royal will and pleasure duly performed, and put in execution

1687. the occasion of this proclamation, was a great clamour made by the archbishop of St Andrews, of great meetings of people without doors in his diocese, and the representation of the bishop of Glasgow, of Mr Renwick's frequent field-conventicles in the west country. There is nothing in the proclamation needs remarks after so much hath been said this way already.

The general state of the remaining persecution through the country needs not, after what hath been said upon the former years, take up much room here. The soldiers continued to make their ravages in the beginning of the year; but some regiments were called up to England. The sheriffs and inferior magistrates were frequently imposing fines for nonconformity; and when the liberty put some stop to this, they went back and squeezed for alleged guilt in former years.

This year the family of Mayfield in the parish of Twinam, who, we heard before, had their share in the former sufferings, had their oppressions continued. The lands of Mayfield had been waste two years, and no tenants in them; and the collector of the shire gave them up as deficient in paying the cess. Whereupon soldiers were ordered out to poind the ground; but there being nothing upon it, the party called in the neighbouring inhabitants, and would have them pay the cess. This they positively refusing, the soldiers seized the peo-

ple's cattle, alleging they had fed upon the grounds of Mayfield; and their owners had them to buy back at rates double to the cess. The same course was taken for uplifting the king's feus in those lands.

This year Alexander Keir, late bailie of Stranraer, was imprisoned for alleged irregular baptism, as likewise William M'Tyre, and Nathaniel Johnston, for being present at the said baptism. After some time's imprisonment, it was reckoned a favour to them when they were let out upon a bond given by each of them to compare when called, under the penalty of an hundred pounds sterling. And generally speaking, the liquidate sum in the bonds during this period, was what was designed to be exacted of the person.

During a good part of this year, the ministers and preachers, who had been either banished, or necessitated to flee to Holland, continued there, and towards harvest and winter, generally came home. The old ministers banished thither at first, Messrs M'Waird, Livingstone, Brown, and others, had all, ere this time, got safe to the joy of their Lord, and were beyond all persecution; but considerable numbers forced over since, continued there. I can do little more than record their names; several of them have been pointed at formerly: all I now name, were carried safe through their troubles, and brought back again to their mother church, to be singularly useful

sonform to our said laws, acts of parliament, and constitutions aforesaid, every manner of way, as is thereby prescribed, and under the pains and certifications therein mentioned: and to the end our said proclamation, of the twentieth of June last, may receive due obedience, we, with advice foresaid, do strictly require all such as shall preach, by virtue thereof, at any time, or in any place, to make intimation of their preaching, as to the time and place, before their meetings, to some one or more of our next privy counsellors, sheriffs, stewarts, bailies, justices of peace, or magistrates of our royal burghs, and of their fixing their abodes there, which shall be sufficient to them during their residence at that place or places only. And in case they be transient preachers, that they give the same intimation to some one or more of our privy council, or others aforesaid, both, as they will be answerable. And further, we, in prosecution of our said late proclamation, do hereby require all and every person aforesaid, to whom such intimation shall be given, respective, to

send in to the clerks of our privy council, once every month, the name and surname of the persons preachers, and the times and places of their meetings, as they will answer the contrary at their peril. And that our royal pleasure in the premises may be known, and due and exact obedience given thereto, our will is herefore, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and all the other market-crosses of the head burghs of the shires of this kingdom, and other places needful, and there, in our name and authority, by open proclamation, make publication of our pleasure in the premises, that none may pretend ignorance.

Given under our signet at Edinburgh, the fifth day of October, 1687, and of our reign the third year.

Per actum dominorum secreti concilii.

COL. MACKENZIE, Cl. Secr. Concilii.

God save the King.

Mr James Veitch, brother to Mr John and Mr William, formerly spoken of, an excellent philosopher, and very much seen in scholastic divinity; Mr George Campbell, who so well filled the chair of divinity professor at Edinburgh after the revolution; he was of vast and universal learning, prodigious application and diligence, of extraordinary piety, and singular humility; Mr Patrick Warner, of whom before; Mr Alexander Pitcairn, whose singular abilities in controversy are known to the learned in his *Tractate de Justificatione*, his skill in philosophy by his *Examen Cartesianismi*, and his knowledge in practical and casuistical divinity, from his large and comprehensive *Treatise on Prayer*. Mr James Kirkton, a minister of great zeal, knowledge, and learning, a most curious searcher into the natural, civil, and ecclesiastical history of Scotland: when he returned, he was for a good many years minister at Edinburgh, and a most successful and sententious preacher of the gospel; Mr Alexander Hastie, a worthy and useful minister of the gospel at Glasgow, since the revolution; Mr Thomas Hogg, minister at Kiltairn, of whom before; Mr John Harroway, Mr Andrew Cameron yet minister at Kirkcudbright, Mr William Moncrief present minister at Largo; and Mr Patrick Cowpar minister yet at Pittenweem in Fife, at this time, I think, preachers. I doubt not but there were some others who have escaped me, besides Mr Langlands and Mr Barclay, who continued in the country since they came over upon Argyle's attempt.

Towards the end of the year, and after the liberty was granted, the persecution continued severe enough, upon such as the soldiers and others alleged were at field-conventicles, and Mr Renwick's followers; and though some warm papers about this time, landed it at the door of such who fell in with the liberty, yet there is no reason at all to affirm this, for their accepting the permission given them hath no kind of connection with the persecution of those who did not use this.

Upon the 14th of October this year, being the king's birth-day, great rejoicings were made at Glasgow, by ringing of bells, and bonfires; and at this time, when no-

thing such was looked for, the troopers lying there surrounded the town, 1687. and the foot made a very narrow search from sunset, till about ten of the clock at night. Several were taken and brought to no small trouble.

In October this year, John Summer elder in Hole, Robert Summer his brother, and William Speir in Easter Cotes, in the parish of Cambuslang, near Glasgow, were by a party of soldiers taken out of their beds, and imprisoned in Glasgow tolbooth, merely upon suspicion they had heard a sermon in the fields thereabout, and not the least probation was offered against them. There they lay ten days, and were carried into Edinburgh, where they were in close prison about a month. They paid two shillings sterling to the clerk of the tolbooth, for inserting their names in his book, two merks to the under-good-man of the tolbooth. Each of them paid two dollars to an agent, to appear for them at the court, who yet did not plead for them; and each of them paid eight dollars to the clerk of the court, (whether council or justiciary my information does not bear) before whom they were examined: besides, four shillings Scots per day, each of them for every day they continued in prison. All which amounts to near an hundred pounds Scots each; all this over and above their maintaining themselves in provision while in prison, their loss of time, and the rifling of their houses by other parties of soldiers, while they were in prison. I have taken notice of those minute charges, that the reader may have a better view of the prodigious expenses many honest and religious people were put to at this time, and the former years, of more heavy and general persecution.

In the winter 1687, and the beginning of the former year, some soldiers were sent into the south, particularly a troop of dragoons, under the command of lieutenant Crichton, who quartered by turns in Kirkcudbright, Dumfries, and New Galloway, and did abundance of hurt to the country.

Last year I took notice of the occasion of the society people, their forming their informatory vindication. Towards Sep-

tember the general meeting ordered 1687. Mr Renwick to draw it up, and after several meetings and long reasonings, it was at last agreed unto in March this year. The original copy under Mr Renwick's own hand, delivered in to the societies, is before me. It is in print, and there the reader hath all that can be said in favour of the heights some of them ran to. And Mr Renwick evidently smooths the former actings of that party, and in some things he recedes from them, and puts the best face he can upon their past and present conduct. This book was printed in Holland this year, and hath been reprinted since, about the year 1708, by the remains of the same people under Mr M'Millan, with some addition of papers published by them since; and it is to this account of their own I have so frequently referred my reader. Their approved vindication was sent over to Holland, and printed, and the copies came home to them about the end of this year. Care was taken to spread them through the country. They further recommend it to Mr Renwick, to take up the names of all the members of the particular societies through the country, and get information in each who were reckoned fittest in each society to be elders; and as he found cause, after trial and examination, that he ordain or admit them. This he did in some places, this summer, and towards the end of year, with a design to form judicatories, and take trial of scandals. But Mr Renwick was soon after this called to better work, and finished his course, as we shall hear, next year.

SECT. II.

Of the various acts of indulgence granted this year, and particularly that liberty in July which presbyterian ministers fell into, with some remarks.

WHAT made the most noise, and was most remarkable this year, was the liberty granted to presbyterians in July. Indeed, after so long and sore a persecution, this breathing time could not but be welcome to them, though many things in the circumstances of it were gravaminous. So tender

and cautious were the few presbyterian ministers now remaining, after twenty seven years' severities, of doing any thing that might be justly offensive, that they refused several offers of a liberty once and again, under such clogs and restrictions as they took to be unlawful, and would not fall in with it, till it came to them in such a mould and shape, as they thought was consistent with their principles, and the cause they had so long suffered for; and what they had in July, was the utmost they could look for in the present circumstances of things. I shall essay to give some account of all the shapes in which this indulgence, toleration, and liberty, was offered, and by the way, take some notice of what was granted of this kind in England, and make some remarks upon the whole; and the best view I can give the reader of this matter, will be from the principal papers themselves relative to this affair, and I shall put all I have about it in this section.

When the king's project last year, to have the penal statutes rescinded, misgave, he still prosecuted his fixed purpose, to bring in the exercise of the popish religion to Scotland, and papists into places of profit, trust, and power. Last year shoals of seminary priests and Jesuits came over from abroad, and too many of our nobility and gentry professed themselves papists, and like all apostates, proved violent and active promoters of popery; and some of them had the best posts in the kingdom conferred on them. It deserves a remark, that such in the army, and through the country, as had been most active in the persecution the former years, either turned Roman catholics, or fell in heartily with the king's measures, and those of his popish servants, so necessary a connection is there betwixt popery and persecution. We have already noticed the king's letter last year, establishing a popish chapel, and allowing papists the exercise of their idolatrous worship. Matters being thus ready, February 12th, the king writes a letter to the privy council, and incloses in it the copy of a proclamation, which at one stroke cuts off all the penal statutes against papists, and gives them a very large liberty. I have

annexed it in a note.* I need make very few reflections upon it, having already considered several papers of this nature, parti-

* *King's letter to the council, February 12th, 1687.*

JAMES R.

Right trusty and right well-beloved cousin and counsellor, right trusty and right well-beloved counsellor, right trusty and entirely beloved cousins and counsellors, right trusty and right well-beloved cousins and counsellors, right trusty and well-beloved cousins and counsellors, right trusty and well beloved counsellors, and trusty and well beloved counsellors, we greet you well. Whereas, by our letter of the twenty-first day of August last past, we were graciously pleased to inform you of our designs, in order to the ease of our Roman catholic subjects, unto which we had your dutiful answer in some days thereafter; we have now thought fit to publish these our royal intentions, and to give an additional ease to those of tender consciences, so to convince the world of our inclinations to moderation, and to evidence that those of the clergy who have been regular, are our most particular care, though we have given some ease to those whose principles we can with any safety trust: we have at the same time expressed our highest indignation against those enemies of Christianity, as well as government and human society, the field-conventicles, whom we recommend to you to root out with all the severities of our laws, and with the most vigorous prosecution of our forces, it being equally our, and our people's concern, to be rid of them. As for the other particulars of our royal proclamation here inclosed, we doubt not but they will appear to you most just and reasonable as they do to us, and that you will, in your respective capacities, assert and defend our royal rights and prerogatives, which we are resolved to maintain in that splendour and greatness, which can only make them safe for us, supports for our friends, and terrors to our enemies. It is evident we do not mean to encroach on the consciences of any, and what we will not do, we are resolved not to suffer in others; and therefore it is our will and pleasure, that these our commands be forthwith obeyed, and that in order therunto, this our proclamation be forthwith printed and published, in the usual manner in such cases accustomed? And if any shall be so bold as to show any dislike of this our procedure, we desire to be informed thereof by you, to the end we may convince the world that we are in earnest, assuring all, that as we expect obedience therein, and a readiness from you and all our judicatories, to assert our rights, so it shall be our care on all occasions, to show our royal favours to all of you in general, and to every one in particular. For doing all these things, as well contained in this our letter as in our proclamation aforesaid, these presents shall be to you, and all others respectively, who may be therein any way concerned, a sufficient warrant; and so we bid you heartily farewell.

Given at our court at Whitehall the 12th day of February 1686-7, and of our reign the third year.

By his majesty's command.

IV.

cularly the king's letter August last year. I have not seen the council's 1687. letter here spoken of, but by the character here given of it as dutiful, one may guess that it was a material consent to the king's design. Accordingly now he publishes his royal intentions for a liberty to papists, among other things, to evidence his particular care of the regular clergy. It would from this appear, the king had good hopes of many of his bishops and their clergy, as favourable to his design for bringing in popery, otherwise I cannot so well take up how this liberty was an evidence of his care of them. Any small compliments he gives them further in the proclamation, surely could never otherwise balance the inbringing of popery upon them; yet he was happily disappointed as to several of them, who heartily appeared against popery at this time. He further recommends it to the council, 'to root out field-conventicles,' which all their power could not do. The rest of the letter is a specimen of that absolute power he exerts in the proclamation. And as he will maintain 'his own splendour and greatness,' so he tells them 'he will be obeyed,' and requires accounts of 'any who show dislike,' and adds, 'he resolves to show that he is in earnest in this matter,' which I nothing doubt of.

The proclamation itself inclosed in this letter, I would have insert here, as deserving the reader's special notice, but it is so long, that I have annexed it in a note.†

† *Proclamation, February 12th, 1687, or first indulgence.*

JAMES R.

James VII. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all and sundry our good subjects, whom these presents do or may concern, greeting. We having taken into our royal consideration the many and great inconveniences which have happened to that our ancient kingdom of Scotland of late years, through the different persuasions in the Christian religion, and the great heats and animosities amongst the several professors thereof, to the ruin and decay of trade, wasting of lands, extinguishing of charity, contempt of the royal power, and converting of true religion, and the fear of God, into animosities, name, factions, and sometimes into sacrilege and treason; and being resolved, as much as in us lies, to unite the hearts and affections of our subjects, to God in religion, to us in loyalty, and to their neighbours in christian love and charity, have therefore thought fit to grant, and

Many things might be noticed in it. 1687. It appears to be formed very agreeably to the maxims and politics of France and Rome, and *mutatis mutandis*, the phra-

seology pretty much chimes in with the revocation of the edict of Nantz. It is the utmost stretch of absolute power, and obedience, without reserve, is required and

by our sovereign authority, prerogative royal, and absolute power, which all our subjects are to obey without reserve, do hereby give and grant our royal toleration, to the several professors of the christian religion aforesaid, with, and under the several conditions, restrictions and limitations after mentioned. In the first place, we allow and tolerate the moderate presbyterians, to meet in their private houses, and there to hear all such ministers, as either have, or are willing to accept of our indulgence aforesaid, and none other, and that there be not any thing said or done contrary to the well and peace of our reign, seditious or treasonable, under the highest pains these crimes will import; nor are they to presume to build meeting-houses, or to use out-houses or barns, but only to exercise in their private houses, as said is. In the meantime, it is our royal will and pleasure, that field-conventicles, and such as preach or exercise at them, or who shall anywise assist or connive at them, shall be prosecuted according to the utmost severity of our laws made against them, seeing, from these rendezvous of rebellion, so much disorder hath proceeded, and so much disturbance to the government, and for which, after this our royal indulgence for tender consciences, there is no excuse left. In like manner, we do hereby tolerate Quakers, to meet and exercise in their form, in any place or places appointed for their worship. And considering the severe and cruel laws made against Roman catholics (therein called papists) in the minority of our royal grandfather, of glorious memory, without his consent, and contrary to the duty of good subjects, by his regents, and other enemies to their lawful sovereign, our royal great-grandmother, queen Mary, of blessed and pious memory, wherein, under the pretence of religion, they clothed the worst of treasons, factions, and usurpations, and made these laws, not as against the enemies of God, but their own; which laws have still been continued of course, without design of executing them, or any of them, *ad terrorem* only, on supposition, that the papists, relying on an external power, were incapable of duty and true allegiance to their natural sovereigns, and rightful monarchy. We, of our certain knowledge, and long experience, knowing that the catholics, as it is their principle to be good Christians, so it is to be dutiful subjects, and that they have likewise, on all occasions, shown themselves good and faithful subjects to us, and our royal predecessors, by hazarding, and many of them, actually losing their lives and fortunes, in their defence (though of another religion), and the maintenance of their authority, against the violences and treasons of the most violent abettors of these laws, do therefore, with advice and consent of our privy council, by our sovereign authority, prerogative royal, and absolute power aforesaid, suspend, stop, and disable all laws or acts of parliament, customs or constitutions, made or executed against any of our Roman catholic subjects, in any time past, to all intents and purposes, making void all prohibitions

therein mentioned, pains or penalties therein ordained to be inflicted, so that they shall, in all things, be as free, in all respects, as any of our protestant subjects whatsoever, not only to exercise their religion, but to enjoy all offices, benefices and others, which we shall think fit to bestow upon them in all time coming: nevertheless it is our will and pleasure, and we do hereby command all catholics, at their highest pains, only to exercise their religious worship in houses or chapels, and that they presume not to preach in the open fields, or to invade the protestant churches by force, under the pains aforesaid, to be inflicted upon the offenders respectively, nor shall they presume to make public processions in the high streets of any of our royal burghs, under the pains above mentioned. And whereas the obedience and service of our good subjects is due to us by their allegiance, and our sovereignty, and that no law, custom or constitution, difference in religion, or other impediment whatsoever, can exempt or discharge the subjects from their native obligations and duty to the crown, or hinder us from protecting and employing them, according to their several capacities, and our royal pleasure, nor restrain us from conferring heritable rights and privileges upon them, or vacuate or annul these rights heritable when they are made or conferred: and likewise considering, that some oaths are capable of being wrested by men of sinister intentions, a practice in that kingdom, fatal to religion, as it was to loyalty, do therefore, with advice and consent aforesaid, annul, and discharge all oaths whatsoever, by which any of our subjects are incapacitated, or disabled from holding places or offices in our said kingdom, or enjoying their hereditary rights and privileges, discharging the same to be taken or given in any time coming, without our special warrant and consent, under the pains due to the contempt of our royal commands and authority; and, to this effect, we do, by our royal authority aforesaid, stop, disable, and dispense with all laws enjoining the said oaths, tests, or any of them, particularly the first act of the first session of the first parliament of king Charles II. the eleventh act of the foresaid session of the foresaid parliament, the sixth act of the third parliament of the said king Charles, the twenty-first and twenty-fifth acts of that parliament, and the thirteenth act of the first session of our late parliament, in so far aforesaid as concerns the taking the oaths or tests therein prescribed, and all others, as well not mentioned as mentioned, and that, in place of them, all our good subjects, or such of them as we, or our privy council shall require so to do, shall take and swear the following oath aforesaid. "I, A. B. do acknowledge, testify, and declare, that James VII. by the grace of God, king of Scotland, England, France and Ireland, defender of the faith, &c. is rightful king, and supreme governor of these realms, and over all persons therein, and that it is unlawful for subjects, on any pretence, or for any cause whatsoever, to rise in arms against him, or any commissioned

expected. The toleration to presbyterians to meet in private houses, is only to moderate presbyterians, and to such as are willing to accept of the indulgence, discharging them to meet in barns or meeting-houses, with a renewal of all the severities against preaching in the fields; and quakers are very amply tolerated, since not a few of the leading men among them were in close friendship with the jesuits. But any body who reads the proclamation, will see the favour in this indulgence is designed

by him, and that I shall never so rise in arms, nor assist any who shall so do, and that I shall never resist his power or authority, nor ever oppose his authority, to his person, as I shall answer to God, but shall to the utmost of my power, assist, defend, and maintain him, his heirs and lawful successors, in the exercise of their absolute power and authority, against all deadly. So help me God." And seeing many of our good subjects have, before our pleasure, in these matters, was made public, incurred the guilt appointed by the acts of parliament above mentioned, or others, we by our authority, and absolute power, and prerogative royal above mentioned, of our certain knowledge, and innate mercy, give our ample and full indemnity to all those of the Roman catholic or popish religion, for all things by them done contrary to our laws or acts of parliament, made in any time past, relating to their religion, the worship and exercise thereof, or for being papists, jesuits, or traffickers, for hearing or saying of mass, concealing of priests, or jesuits, breeding their children catholics, at home or abroad, or any other thing, rite or doctrine, said, performed, or maintained by them, or any of them, and likewise for holding or taking of places, employments, or offices, contrary to any law or constitution, advices given to us, or our council, actions done, or generally any thing performed or said against the known laws of that our ancient kingdom; excepting always from this our royal indemnity, all murders, assassinations, thefts, and such like other crimes, which never used to be comprehended in our general acts of indemnity. And we command and require all our judges, or others concerned, to explain this in the most ample sense and meaning acts of indemnity at any time have contained; declaring this shall be as good to every one concerned, as if they had our royal pardon and remission under our great seal of that kingdom. And likewise indemnifying our protestant subjects, from all pains and penalties due for hearing or preaching in houses, providing there be no treasonable speeches uttered, in the said conventicles, by them, in which case the law is only to take place against the guilty, and none other present, providing also that they reveal to any of our council the guilt so committed; as also excepting all fines, or effects of sentences already given. And likewise indemnifying fully and freely all Quakers, for their meetings and worship, in all time past, preceding the date of these presents, and we doubt not but our protestant subjects will give their assistance and concurrence hereunto, on all occasions, in their respective capacities: in consideration whereof,

chiefly to papists, which name, it seems, the king does not like, and 1687. will have them called Roman catholics. All the penal laws against them are rescinded, and a liberty granted them to have chapels, and a civil liberty, if I may call it so, to come into the best places of the kingdom. The test is abrogated, and a new oath enacted to be offered by the privy council to such as they indulge, and a full indemnity granted to papists, who had formerly acted contrary to law; and a gracious

and the ease those of our religion, and others, may have hereby, and for the encouragement of our protestant bishops, and the regular clergy, and such as have hitherto lived orderly, we think fit to declare, that it never was our principle, nor will we ever suffer violence to be offered to any man's conscience, nor will we use force, or invincible necessity against any man on the account of his persuasion, nor the protestant religion, but will protect our bishops and other ministers in their functions, rights, and properties, and all our protestant subjects in the free exercise of their protestant religion in the churches; and that we will, and hereby promise, on our royal word, to maintain the possessors of church-lands formerly belonging to abbeyes, or other churches of the catholic religion, in their full and free possession and right, according to our laws and acts of parliament, in that behalf, in all time coming; and we will employ indifferently all our subjects, of all persuasions, so as none shall meet with any discouragement on the account of his religion, but be advanced and esteemed by us, according to their several capacities and qualifications, so long as we find charity and unity maintained; and if any animosities shall arise, as we hope in God there will not, we will show the severest effects of our royal displeasure against the beginners or fomenters thereof, seeing thereby our subjects may be deprived of this general ease and satisfaction we intend to all of them, whose happiness, prosperity, wealth and safety is so much our royal care, that we will leave nothing undone which may procure these blessings for them. And lastly, to the end all our good subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, to make timestous proclamation thereof at the market-cross of Edinburgh; and besides the printing and publishing of this our royal proclamation, it is our express will and pleasure, that the same be passed under the great seal of that our kingdom *per saltum*, without passing any other seal or register. In order whereunto, this shall be to the directors of our chancellery, and their deputies for writing the same, and to our chancellor for causing our great seal aforesaid to be appended thereunto, a sufficient warrant.

Given at our court at Whitehall, the twelfth day of February, 1686-7, and of our reign the third year.

By his majesty's command,

MELFORD.

God save the King.

assurance given by his majesty, that 1687. he will not meddle with the churchlands, "as long as people carry themselves right;" but when the king finds it convenient to think otherwise, *caveat emptor*; and all this is ordered to pass the privy seal *per saltum*. I have waived making remarks upon this singular proclamation at any length, that there might be room to refer the reader to a paper printed at this time, written by an able pen, which does fully expose it; and it is added at the foot of the page.*

* *Some reflections on the foresaid proclamation.*

I. The preamble of a proclamation is oft writ in haste, and is the flourish of some wanton pen, but one of such an extraordinary nature as this is, was probably more severely examined. There is a new designation of his majesty's authority, here set forth, of his *absolute power*, which is so often repeated, that it deserves to be a little searched into. Prerogative royal and sovereign authority are terms already received and known, but for this *absolute power*, as it is a new term, so those who have coined it, may make it signify what they will. The Roman law speaks of *princeps legibus solutus*, and absolute, in its natural signification, importing the being without all ties and restraints; then the true meaning of this seems to be, that there is an inherent power in the king, which can neither be restrained by laws, promises, nor oaths; for nothing less than the being free from all these, renders a power *absolute*.

II. If the former term seemed to stretch our allegiance, that which comes after it is yet a step of another nature, though one can hardly imagine what can go beyond *absolute power*, and it is in these words, "which all our subjects are to obey without reserve." And this is the carrying obedience many sizes beyond what the Grand Seignior has ever yet claimed; for all princes, even the most violent pretenders to *absolute power*, till Lewis the Great's time, have thought it enough to oblige their subjects to submit to their power, and to bear whatsoever they thought good to impose upon them; but till the days of the late conversions by the dragoons, it was never so much as pretended, that subjects were bound to obey their princes *without reserve*, and to be of his religion, because he would have it so, which was the only argument that those late apostles made use of; so it is probable this qualification of the duty of subjects was put in here to prepare us for a terrible *le Roy le veut*; and in that case we are told here, that we must *obey without reserve*: and when those severe orders come, the privy council, and all such as execute this proclamation, will be bound, by this declaration, to show themselves more forward than any others, to *obey without reserve*, and those poor pretensions of conscience, religion, honour, and reason, will be then reckoned as *reserves* upon their obedience, which are all now shut out.

III. These being the grounds upon which this proclamation is founded, we ought not only to

The king's letter and proclamation came to Edinburgh February 17th, and it was unanimously ordered in council, that tomorrow, February 18th, the proclamation

consider what consequences are now drawn from them, but what may be drawn from them at any time hereafter: for if they are of force, to justify that which is now inferred from them, it will be fully as just to draw, from the same premises, an abolition of the protestant religion, of the rights of the subjects, not only to churchlands, but to all property whatsoever. In a word, it asserts a power to be in the king, to command what he will, and an obligation in the subjects, to obey whatsoever he shall command.

IV. There is also mention made, in the preamble of the 'Christian love and charity,' which his majesty would have established among neighbours; but another dash of a pen, sounded on this *absolute power*, may declare us all heretics; and then in wonderful charity to us, we must be told, that we are either to obey without reserve, or to be burned without reserve. We know the charity of that church pretty well; it is indeed fervent and burning; and if we have forgot what has been done in former ages, France, Savoy, and Hungary, have set before our eyes very fresh instances of the charity of that religion. While those examples are so green, it is a little too imposing on us, to talk to us of 'Christian love and charity.' No doubt his majesty means sincerely, and his exactness to all his promises, chiefly to those made since he came to the crown, will not suffer us to think an unbecoming thought of his royal intentions; but yet after all, though it seems, by this proclamation, that we are bound to *obey without reserve*, it is hardship upon hardship to be bound to believe without reserve.

V. There are a sort of people here tolerated, that will be very hardly found out, and these are the moderate presbyterians. Now, as some say that there are very few of those people in Scotland that deserve this character, so it is hard to tell what it amounts to; and the calling any of them immoderate, cuts off all their share in this grace. Moderation is a quality that lies in the mind, and how this will be found out, I cannot so readily guess. If a standard had been given of opinions or practices, then one could have known how this might have been distinguished; but as it lies, it will not be easy to make the discrimination; and the declaring them all immoderate shuts them out quite.

VI. Another foundation laid down for repealing all laws made against the papists, is, that they were enacted in king James VI.'s minority, with some harsh expressions, that are not to be insisted on, since they show more the heat of the penner than the dignity of the prince, in whose name they are given out; but all these laws were ratified over and over again by king James, when he came to be of full age; and they have received many confirmations by king Charles I. and king Charles II. as well as by his present majesty, both when he represented his brother in the year 1681, and since he himself came to the crown; so that whatsoever may be said concerning the first formation of those laws they have received now for the course of a whole

should be published at the cross. The counsellors, who were heartily protestant, did not concur in this matter, and absented. Accordingly, this was done with great so-

lemnity, and demonstrations of joy ; and no wonder the papists were elevated, since they had no such footing given them since the reformation. 1687.

hundred years, that are lapsed since king James was of full age, so many confirmations, that if there is any thing certain in human government, we might depend upon them ; but this new coined *absolute power* must carry all before it.

VII. It is also well known, that the whole settlement of the church lands and tithes, with many other things, and more particularly the establishment of the protestant religion, was likewise enacted in king James's minority, as well as those penal laws : so that the reason now made use of, to annul the penal laws, will serve full as well for another act of this *absolute power* that shall abolish all those ; and if maxims that un hinge all the securities of human society, and all that is sacred in government, ought to be looked on with the justest and deepest prejudices possible, one is tempted to lose the respect that is due to every thing that carries a royal stamp upon it, when he sees such grounds made use of as must shake all settlements whatsoever ; for if a prescription of 120 years, and confirmations reiterated over and over again these 100 years past, do not purge some defects in the first formation of those laws, what can make us secure ? But this looks so like a fetch of the French prerogative law, both in their processes with relation to the edict of Nantz, and those concerning dependences at Mentz, that this seems to be a copy from that famous original.

VIII. It were too much ill nature to look into the history of the last age, to examine on what grounds those characters of pious and blessed, given to the memory of queen Mary are built ; but since king James's memory has the character of glorious given to it, if the civility due to the fair sex makes one unwilling to look into the one, yet the other may be a little dwelt on. The peculiar glory that belongs to king James's memory, is, that he was a prince of great learning, and that he employed it chiefly in writing for his religion. Of the volume in folio, in which we have his works, two-thirds are against the church of Rome ; one part of them is a commentary on the revelation, proving that the pope is antichrist ; another part of them belonged more naturally to his post and dignity, which is the warning that he gave to all the princes and states of Europe, against the treasonable and bloody doctrines of the papacy. The first act he did when he came of age, was to swear in person, with all his family, and afterwards with all his people of Scotland, a covenant containing an enumeration of all the points of popery, and a most solemn renunciation of them, somewhat like our parliament test. His first speech to the parliament of England was copious on the same subject : and he left a legacy of a wish on such of his posterity as should go over to that religion, which in good manners is suppressed. It is known, king James was no conqueror, and that he made more use of his pen than his sword : so the glory that is peculiar to his memory, must fall chiefly on his learned and immortal writings : and since there is such a veneration expressed

for him, it agrees not ill with this, to wish that his works were more studied by those who offer such incense to his glorious memory.

IX. His majesty assures his people of Scotland, upon his certain knowledge and long experience, that the catholics, as they are good Christians, so they are likewise dutiful subjects. but if we must believe both these equally, then we must conclude severely against their being good Christians ; for we are sure they can never be good subjects, not only to an heretical prince, but even to a catholic prince, if he does not extirpate heretics ; for their beloved council of the Lateran, that decreed transubstantiation, has likewise decreed, " that if a prince does not extirpate heretics out of his dominions, the pope must depose him, and declare his subjects absolved from their allegiance, and give his dominions to another : " so that even his majesty, how much soever he may be a zealous catholic, yet cannot be assured of their fidelity to him, unless he has given them secret assurances, that he is resolved to extirpate heretics out of his dominions, and that all the promises which he now makes to these poor wretches, are no other way to be kept, than the assurances which the great Lewis gave to his protestant subjects, of his observing still the edict of Nantz, even after he had resolved to break it, and also his last promise made in the edict that repealed the edict of Nantz, by which he gave assurances, that no violence should be used to any for their religion, in the very time that he was ordering all possible violences to be put in execution against them.

X. His majesty assures us, that on all occasions the papists have showed themselves good and faithful subjects to him and his royal predecessors ; but how *absolute* soever the king's power may be, it seems his knowledge of history is not so absolute, but it may be capable of some improvement. It will be hard to find out what loyalty they showed on the occasion of the gunpowder plot, or during the whole progress of the rebellion of Ireland. If the king will either take the words of king James of glorious memory, or king Charles I. that was indeed of pious and blessed memory, rather than the word of the penners of this proclamation, it will not be hard to find occasions where they were a little wanting in this their so much boasted loyalty : and we are sure, that by the principles of that religion, the king can never be assured of the fidelity of those he calls his catholic subjects, but by engaging to them to make his heretical subjects sacrifices to their rage.

XI. The king declares them capable of all the offices and benefices which he shall think fit to bestow on them, and only restrains them from invading the protestant churches by force : so that here a door is plainly opened for admitting them to the exercise of their religion in protestant churches, so they do not break into them by force ; and whatsoever may be the sense of the term benefices in its ancient and first signification, now it stands only for church prefer-

1387. Upon the 24th of February, the council make a return to the king, acquainting him of their obedience, and resolutions to prosecute the ends of his

royal proclamation. They give their opinion for the incoming of papists to places of trust, and thank the king for his royal word, to maintain their church and religion

ments, so that when any churches, that are at the king's gift, fall vacant, here is a plain intimation, that they are to be provided to them; and then it is very probable, that all the laws made against such as go not to their parish churches, will be severely turned upon those that will not come to mass.

XII. His majesty does in the next place, in virtue of his *absolute power*, annul a great many laws, as well those that established the oaths of allegiance and supremacy, as the late test, enacted by himself in person, while he represented his brother: upon which he gave as strange an essay to the world of his absolute justice in the attainder of the late earl of Argyle, as he does now of his *absolute power* in condemning the test itself; he also repeals his own confirmation of the test, since he came to the crown, which he offered as the clearest evidence that he could give of his resolution to maintain the protestant religion, and by which he gained so much upon that parliament, that he obtained every thing from them that he desired of them, till he came to try them in the matters of religion. This is no extraordinary evidence to assure his people, that his promises will be like the laws of the Medes and Persians, which alter not; nor will the disgrace of the commissioner that enacted that law, lay this matter wholly on him; for the letter that he brought, the speech that he made, and the instructions which he got, are all too well known to be so soon forgotten. And if princes will give their subjects reason to think, that they forget their promises, as soon as the turn is served for which they were made, this will be too prevailing a temptation on the subjects to mind the prince's promise as little as it seems he himself does, and will force them to conclude, that the truth of the prince is not so absolute as it seems he fancies his power to be.

XIII. Here is not only a repealing of a great many laws, and established oaths and tests, but by the exercise of the absolute power a new oath is imposed, which was never pretended to by the crown in any former time; and as the oath is created by this absolute power, so it seems the *absolute power* must be supported by this oath, since one branch of it is an obligation to maintain his majesty and his lawful successors in the exercise of this their *absolute power and authority against all deadly*, which I suppose is Scotch for mortals. Now to impose so hard a yoke as this *absolute power* on the subjects, seems no small stretch; but it is a wonderful exercise of it, to oblige the subjects to defend this: it had been more modest, if they had been only bound to bear it, and submit to it. But it is a terrible thing so far to extinguish all the remnants of natural liberty, or of a legal government, as to oblige the subjects by oath, to maintain the exercise of this, which plainly must destroy themselves; for the short execution by the bow-strings of Turkey, or by sending orders to men to return in their heads, being an exercise of this *absolute power*, it is a little hard to make men swear to maintain the king in it: and if that kingdom has suffered so much by the many oaths

that have been in use among them, as is marked in this proclamation, I am afraid this new oath will not much mend the matter

XIV. Yet after all, there is some comfort; his majesty assures them, he will use no violence nor force, nor any invincible necessity to any man on the account of his persuasion: it were too great a want of respect to fancy, that a time may come, in which even this may be remembered, full as well as the promises that were made to the parliament after his majesty came to the crown. I do not, I confess, apprehend that; for I see here so great a caution used in the choice of these words, that it is plain, very great severities may very well consist with them: it is clear, that the general words of violence and force are to be determined by these last of *invincible necessity*; so that the king does only promise to lay no *invincible necessity* on his subjects; but for all necessities, that are not invincible, it seems they must expect to bear a large share of them: disgraces, want of employments, fines and imprisonments, and even death itself are all vincible things to a man of a firmness of mind: so that the violences of torture, the furies of dragoons, and some of the methods now practised in France, perhaps may be included within this promise; since these seem almost irritable to human nature, if it is not fortified with an extraordinary measure of grace: but as to all other things, his majesty binds himself up from no part of the exercise of his *absolute power* by this promise.

XV. His majesty orders this to go immediately to the great seal, without passing through the other seals. Now since this is countersigned by the secretary, in whose hands the signet is, there was no other step to be made but through the privy seal; so I must own, I have a great curiosity of knowing his character in whose hands the privy seal is at present; for it seems his conscience is not so very supple as the chancellor's and the secretary's are: but it is very likely, if he does not quickly change his mind, the privy seal at least will very quickly change its keeper; and I am sorry to hear, that the lord chancellor and the secretary have not another brother to fill this post, that so the guilt of the ruin of that nation may lie on one single family, and that there may be no others involved in it.

XVI. Upon the whole matter, many smaller things being waived, it being extreme unpleasant to find fault, where one has all possible dispositions to pay all respect, we here in England see what we must look for. A parliament in Scotland was tried, but it proved a little stubborn; and now *absolute power* comes to set all right; so when the closetting has gone round, so that noses are counted, we may perhaps see a parliament here, but if it chances to be untoward, and not to *obey without reserve*, then our reverend judges will copy from Scotland, and will not only tell us of the king's imperial power, but will discover to us this new mystery of *absolute power*, to which we are all bound to *obey without reserve*.

established by law, believing that to be the best security they can have. This submissive answer, with the names of the members signing it, deserves a room in the notes.*

* *Council's Answer to the King, February 24th, 1687.*

May it please your most sacred majesty,

Your majesty's commands are exactly obeyed, your royal proclamation is printed and published, by which your majesty hath given a further evidence of your favour and goodness to all your subjects. And we are hopeful, that by your majesty's extraordinary acts of mercy to some, who have been too ready on many occasions to abuse the clemency of your royal predecessors, they will be at last convinced what they owe to so gracious a king; and if any shall be still so obstinate as to make any wrong use of your majesty's goodness, we do unanimously assure your majesty, that we will maintain and assert your royal prerogatives and authority with the hazard of our lives and fortunes; and all of us shall in our several capacities do our utmost, that your government may be easy to all whom your majesty thinks worthy of your protection. We are very willing that your majesty's subjects who are peaceable and loyal, may be at ease and security, notwithstanding of their profession and private worship, and do conceive, that such of them as are, or shall be employed by your majesty in offices of trust, civil or military, are sufficiently secured by your majesty's authority and commission for their exercising the same; we return your majesty our most humble thanks, for giving us your royal word for maintaining the church and our religion, as it is now established by law, and rest satisfied, believing your majesty's promise to be the best and greatest security we can have. We are,

May it please your majesty,

Your majesty's most humble, most faithful,
and most obedient subjects and servants,
Edinburgh, Feb. 24th, 1686-7.

Signed by the earl of Perth lord high chancellor, the lord archbishop of St Andrews, the lord archbishop of Glasgow elect, the lord marquis of Athol lord keeper of the privy seal, the duke of Gordon, the lord marquis of Douglas, the earl of Linlithgow, the earl of Dunfermline, the earl of Strathmore, the earl of Lauderdale, the earl of Southesk, the earl of Traquair, the earl of Airlie, the earl of Balcarras, the lord viscount of Tarbet, the lord viscount of Strathallan, the lord Livingstone, the lord Kinnaird, Sir George Lockhart of Carnwath lord president of the session, Sir John Dalrymple younger of Stair lord advocate, Sir James Fowles of Colinton lord justice clerk, Sir John Lockhart of Castlehill one of the senators of the college of justice, lieutenant general James Douglas, Sir Andrew Ramsay of Abbotshall, major general John Graham of Claverhouse, and Andrew Wauchop of Niddry.

And his majesty's said privy council having ordered, that the said letter should afterwards be signed by such of the counsellors as were not then present; it was accordingly signed at Westminster by the earl of Murray, and the earl of Melford, principal secretaries of state for the said kingdom, the earl of Arran, the earl of Drumlanrig, the earl of Winton, the earl of Seaforth, the earl of Ancrum, and the earl of Dumbarton.

And in this black list, who do themselves the honour to prefer the word 1687. of a papist, for the security of our holy reformation, to the best laws almost ever protestants enjoyed, the reader will observe our two archbishops in the front. The duke of Hamilton, and earls of Panmure and Dundonald, among the counsellors, did themselves the real honour to refuse to sign this letter. The duke gave his reasons to the king, and was a person of too great consequence in the country to disoblige altogether, and therefore he is continued *cum nota*; but the other two noblemen are turned out from the council, as the reader will perceive from the king's answer to this letter, which being but short, and never printed that I know of, I insert here.

"Right trusty, &c. We greet you well. The last expressions of your duty to us in your letter of the 24th of February, were very acceptable; in return whereof, we give our hearty and royal thanks to all of you, that concurred therein, to whom, upon all occasions, we will be ready to show our royal favours. And though we have thought fit, upon consideration of duke Hamilton his promise for the future, and for other reasons known to us, to suspend our present resentments for his carriage; yet we will not have you to believe that we are satisfied therewith: neither will we delay to testify our displeasure against others in circumstances somewhat less favourable; and therefore we do hereby lay aside, from that our council, the earls of Panmure and Dundonald, whereof you are hereby authorised and required to make intimation to them respectively. We do approve your resolution, to keep a copy of your letter, to be signed by all our privy council there; and we have ordered the principal to be offered to all here, who have most dutifully signed the same. We do recommend to you to take care that there be no disorder, nor that any of the presbyterians be suffered to preach, except such only as shall have your allowance for the same, and that they at the receiving of the said indulgence, shall take the oath contained in our proclamation, dated February 12th last. So soon as you shall have a return from all our counsellors, of their signing or refusing to sign your letter, you are forthwith to give us an account of those who shall refuse, to the end that we may signify our further pleasure concerning them. For which this shall be your warrant. Given at Whitehall, the first of March, 1687."

By this letter we have a further discovery, that no benefit was designed by this

1687. proclamation for presbyterians, and this puts the matter, which was formerly debatable, out of question, and requires them to take the foresaid oath, which the king and managers were fully apprised no presbyterian minister would take. And thus the papists, and quakers, if they could come in to any oaths, stand alone enjoying the benefit of the king's moderation and good intentions.

Whether it was to gratify the quakers, or to quiet the clamour, and still the fears of a great many upon this barefaced coming in of popery, or to gratify duke Hamilton a little, and such as he had influence upon, or for what reason, I know not; but the king by his letter to the council of the 31st of March, gives this matter a new turn, makes some more concessions, and smoothes things a little. I have added it in a note.* Therein the king signifies, that in his letter March 1st, when he spake of presbyterian preachers being obliged to take the oath, he meant "such of them as did not take the test, or any other oath;" which is a silly stretch and offcome, for never one of them had taken the test,

* *King's letter to the council, March 31st, 1687, or the second toleration.*

JAMES R.

Right trusty and right well-beloved cousin and counsellor, right trusty and right well-beloved counsellors, right trusty and entirely beloved cousins and counsellors, right trusty and right well-beloved cousins and counsellors, right trusty and well-beloved cousins and counsellors, right trusty and well-beloved cousins and counsellors, right trusty and well-beloved counsellors, and trusty and well-beloved counsellors, we greet you well. Whereas by our letter of the first day of this instant, amongst other things, we did recommend unto you to take care, that any of the presbyterians should not be allowed to preach, but such only as should have your allowance for the same; and that they, at receiving the indulgence therein mentioned, should take the oath contained in our proclamation, bearing date the twelfth day of February last past; these are therefore to let you know, that thereby we meant such of them as did not formerly take the test, or any other oath; but if nevertheless, the presbyterian preachers do scruple to take the said oath, or any other oath whatsoever, and that you shall find it reasonable or fit to grant them our indulgence, so as they desire it upon these terms; it is now our will and pleasure, and we do hereby authorise and require you to grant them, or any of them, our said indulgence, without being obliged to take or swear the oath in our said proclamation mentioned, or any other oath whatsoever, with

neither was it once supposed they would. And now he allows the council, if they think fit, to indulge them without taking the said oath. All this was transacted without the least share of any presbyterian, or application from ministers of that persuasion. And the king and his servants were entirely left to cut and carve as they saw good, the suffering ministers resolving not to move till providence should clear their way. And in this shape not one of them fell in with this indulgence.

Thus stood matters in Scotland for some months; the papists had all the liberty they could expect, and the Presbyterians were not a whit better in their circumstances; when the king, to carry on his projects in England, and prepare matters for what he had in view, gives a full and ample liberty to all his subjects to exercise their religion, and serve God in their own way, publicly or privately. Accordingly, April 4th, his "Declaration for liberty of conscience" is published, which, that the reader may have a view of what was done in England in the matter I am upon, I have likewise annexed at the bottom of the page.†

power unto them, or any of them respectively, to enjoy the benefit of the said indulgence, (during our pleasure only) or so long as you shall find that they behave themselves regularly and peaceably, without giving any cause of offence to us, or any in authority and trust under us in our government. For doing whereof these presents shall be to you and them, and all others respectively, who may be therein respectively any way concerned, a sufficient warrant. And so we bid you heartily farewell.

Given at our court at Whitehall, the thirty-first day of March 1687, and of our reign the third year.

By his majesty's command,

MELFORD.

† *King's declaration for liberty of conscience in England, April 4th, 1687.*

JAMES R.

It having pleased almighty God, not only to bring us to the imperial crown of these kingdoms through the greatest difficulties, but to preserve us by a more than ordinary providence upon the throne of our royal ancestors, there is nothing now that we so earnestly desire, as to establish our government on such a foundation, as may make our subjects happy, and unite them to us by inclination as well as duty; which we think can be done by no means so effectually, as by granting to them the free exercise of their religion for the time to come, and add that to the perfect enjoyment of their property, which

Abundance was written in England, *pro* and *con* upon this subject. I shall only further notice, that nine of the presbyterian ministers at London, Messrs Hurst, Ches-

ter, Slater, Cox, Rosewel, Turner, Frankilin, Deal, and Reynolds, waited 1687. upon the king with an address of thanks, which hath been many times printed, with

has never been in any case invaded by us since our coming to the crown : which being the two things men value most, shall ever be preserved in these kingdoms, during our reign over them, as the truest methods of their peace and our glory. We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholic church, yet we humbly thank almighty God, it is, and hath of long time been our constant sense and opinion, (which upon divers occasions we have declared) that conscience ought not to be constrained, nor people forced in matters of mere religion ; it has ever been directly contrary to our inclination, as we think it is to the interest of government, which it destroys by spoiling trade, depopulating countries, and discouraging strangers ; and finally, that it never obtained the end for which it was employed ; and in this we are the more confirmed by the reflections we have made upon the conduct of the four last reigns ; for after all the frequent and pressing endeavours that were used in each of them, to reduce this kingdom to an exact conformity in religion, it is visible the success has not answered the design, and that the difficulty is invincible. We therefore, out of our princely care and affection unto all our loving subjects, that they may live at ease and quiet, and for the increase of trade, and encouragement of strangers, have thought fit, by virtue of our royal prerogative, to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two houses of parliament, when we shall think it convenient for them to meet.

In the first place we declare, that we will protect and maintain our archbishops, bishops, and clergy, and all other our subjects of the church of England, in the free exercise of their religion, as by law established, and in the quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever. We do likewise declare, that it is our royal will and pleasure, that from henceforth the execution of all, and all manner of penal laws in matters ecclesiastical, for not coming to church, or not receiving the sacrament, or for any other nonconformity to the religion established, or for, or by reason of, the exercise of religion in any manner whatsoever, be immediately suspended ; and the further execution of the said penal laws, and of every of them is hereby suspended. And to the end that by the liberty hereby granted, the peace and security of our government in the practice thereof, may not be endangered, we have thought fit, and do hereby straitly charge and command all our loving subjects, that as we do freely give them leave to meet and serve God after their own way and manner, be it in private houses or places purposely hired or built for that use ; so that they take special care, that nothing be preached or taught amongst them, which may any ways tend to alienate the hearts of our people from us or our government, and that their meetings and assemblies be peaceably, openly, and publicly held, and all persons freely admitted to them ;

and that they do signify and make known to some one or more of the next justices of the peace, what place or places they set apart for those uses. And that all our subjects may enjoy such their religious assemblies, with greater assurance and protection, we have thought it requisite, and do hereby command, that no disturbance of any kind be made or given unto them, under pain of our displeasure, and to be further proceeded against with the uttermost severity. And for as much as we are desirous to have the benefit of the service of all our loving subjects, which by the law of nature is inseparably annexed to, and inherent in our royal person, and that none of our subjects may for the future be under any discouragement or disability, (who are otherwise well inclined and fit to serve us) by reason of some oaths or tests, that have been usually administered on such occasions : we do hereby further declare, that it is our royal will and pleasure, that the oaths commonly called, "the oaths of supremacy and allegiance," and also the several tests and declarations mentioned in the acts of parliament made in the 25th and 30th years of the reign of our late royal brother king Charles II. shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is or shall be employed in any office or place of trust, either civil or military, under us or in our government. And we do further declare it to be our pleasure and intention, from time to time hereafter, to grant our royal dispensations under our great seal to all our loving subjects so to be employed, who shall not take the said oaths, or subscribe or declare the said tests or declarations in the above-mentioned acts, and every of them. And to the end that all our loving subjects may receive and enjoy the full benefit and advantage of our gracious indulgence hereby intended, and may be acquitted and discharged from all pains, penalties, forfeitures, and disabilities by them or any of them incurred or forfeited, or which they shall or may at any time hereafter be liable to, for or by reason of their nonconformity, or the exercise of their religion, and from all suits, troubles, or disturbances for the same : we do hereby give our free and ample pardon unto all nonconformists, recusants, and other our loving subjects, for all crimes and things by them committed or done contrary to the penal laws formerly made relating to religion, and the profession or exercise thereof. Hereby declaring, that this our royal pardon and indemnity shall be as good and effectual to all intents and purposes, as if every individual person had been therein particularly named, or had particular pardons under our great seal, which we do likewise declare shall from time to time be granted unto any person or persons desiring the same : willing and requiring our judges, justices, and other officers, to take notice of and obey our royal will and pleasure herein before declared. And although the freedom and assurance we have hereby given in relation to religion and property, might be sufficient to remove from the minds of our loving

1687. the king's answer thereto; wherein with what sincerity, his practice afterward will best discover. He declares, It hath been his judgment of a long time, that none has or ought to have any power over the conscience, but God, and solemnly protests before God, he had no other design in his declaration, but the easing and pleasing his subjects, and restoring to God the power over conscience.'

I doubt not but this declaration in England very much paved the way for the third and more ample indulgence in Scotland. Matters were going on here as before, except that presbyterian ministers here and there, as they had occasion, without accepting the indulgence, ventured, where invited, to preach in private families. The dissenting ministers in England having fallen in with their unclogged liberty, and the clamour being raised in Scotland, that all the king's favours were showed to papists, and presbyterian ministers refusing to accept of a liberty with the former clogs, the king, for reasons known to himself, and without any application from the presbyterian ministers or their friends, saw good to cast the liberty in more general terms, and not to connect it with that to papists, nor restrict them to private houses, or clog his favour with oaths. Thus a proclamation comes out, dated at London, June 28th, and at Edinburgh, July 5th, which I have insert as a note.* This paper will best

subjects all fears and jealousies in relation to either; yet we have thought fit further to declare, that we will maintain them in all their properties and possessions, as well of church and abbey-lands, as in any other their lands and properties whatsoever.

Given at our court at Whitehall, the fourth day of April, one thousand six hundred and eighty seven, in the third year of our reign.

By his majesty's special command.

* *Proclamation, June 28th and July 5th, 1687, or the third toleration.*

JAMES VII. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all and sundry our good subjects whom these presents do or may concern, greeting. Whereas by our royal proclamation of the date the 12th day of February, 1686-7, we were graciously pleased for the causes, and on the terms therein mentioned, to grant our royal toleration to the professors of the Christian religion therein named, with, and under certain restrictions and limitations; all which are in

speaking for itself, and I shall make but very few remarks upon it. Instead of the choking clauses in that of February 12th, it is declared, all restrictions there are taken off.

the said proclamation more at length expressed: we now, taking into our royal consideration the sinister interpretations, which either have, or may be made of some restrictions therein mentioned, have thought fit by this our royal proclamation, further to declare, that we will protect our archbishops and bishops, and all our subjects of the protestant religion, in the free exercise of their protestant religion, as it is by law established, and in the quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever. And we do likewise by our sovereign authority, prerogative royal, and absolute power, suspend, stop, and disable, all penal and sanguinary laws, made against any for nonconformity to the religion established by law, in that our ancient kingdom, or for exercising their respective worship, religions, rites, and ceremonies; all which laws are hereby stopt, suspended, and disabled to all intents and purposes. And to the end, that by the liberty thereby granted, the peace and security of our government in the practice thereof, may not be endangered, we have thought fit, and do hereby straitly charge and command all our loving subjects, that as we do give them leave to meet and serve God after their own way and manner, be it in private houses, chapels, or places purposely hired or built for that use, so that they take care that nothing be preached or taught among them, which may any ways tend to alienate the hearts of our people from us or our government, and that their meetings be peaceably, openly, and publicly held, and all persons freely admitted to them, and that they do signify and make known to some one or more of the next privy counselors, sheriffs, stewards, bailies, justices of the peace, or magistrates of burghs royal, what place or places they set apart for these uses, with the names of the preachers. And that all our subjects may enjoy such their religious assemblies with greater assurance and protection, we have thought fit, and do hereby command, that no disturbance of any kind be made or given unto them, under pain of our royal displeasure, and to be further proceeded against with the utmost severity; provided always, that their meetings be in houses, or places provided for the purpose, and not in the open fields, for which now after this our royal grace and favour shown (which surpasses the hopes, and equals the very wishes of the most zealously concerned) there is not the least shadow of excuse left; which meetings in fields we do hereby strictly prohibit and forbid, against all which we do leave our laws and acts of parliament in full force and vigour, notwithstanding the premises; and do further command all our judges, magistrates, and officers of our forces, to prosecute such as shall be guilty of the said field conventicles or assemblies, with the utmost rigour, as they would avoid our highest displeasure; for we are confident none will, after these liberties and freedoms we have given to all, without reserve, to serve God in their own way, presume to meet in these assemblies, except such as make a pretence of religion, to cover their treasonable designs against our royal person,

And the king begins with a promise to maintain the free exercise of the protestant religion. Next, "by his sovereign authority, and prerogative royal, and absolute power, he suspends, stops, and disables all penal and sanguinary laws, for nonconformity to the religion established by law." Where I shall take the liberty to observe, that this dispensing power in the king, though it must be abominate by all who value liberty, property, and real religion, and although in the design of its exercise, no doubt, it was aimed at the ruin of our reformation, for the introducing of popery, and for no real favour to presbyterians, though it had

and the peace of our government. And lastly, to the end all our good subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, to make timeous proclamation thereof at the market-cross of Edinburgh: and besides the printing and publishing of this our royal proclamation, it is our express will and pleasure, that the same be passed under our great seal of that our kingdom *per saltum*, without passing any other seal or register. In order whereunto, these shall be to the directors of our chancellery and their deputies, for writing the same, and to our chancellor, for causing our great seal aforesaid to be appended thereunto, a sufficient warrant.

Given at our court at Windsor, the twenty-eighth day of June, one thousand six hundred and eighty-seven, and of our reign the third year.

By his majesty's command,

MELFORD.

Edinburgh, July 5th, 1687.

Present in council,

James earl of Perth lord high chancellor, John lord archbishop of Glasgow, the lord marquis of Athole privy seal, duke of Hamilton, duke of Gordon, earl of Arran, earl of Linlithgow lord justice-general, earl of Dunfermline, earl of Strathmore, earl of Lauderdale, earl of Southesk, earl of Airly, lord viscount Tarbet, lord viscount Strathallan, lord Livingstone, lord president of session, lord advocate, lord justice-clerk, lord Castlehill, general-lieutenant Douglas, Niddry.

The above-written proclamation from his most sacred majesty, being read in his privy council of Scotland, was, in pursuance of his majesty's royal commands, ordered to be published with all due solemnities. Extracted forth of the records of his majesty's council, by me Sir William Paterson, clerk to his majesty's most honourable privy council.

WIL. PATERSON.

God save the king.

that effect, yet the king and his brother owed this power in Scotland to 1687. the prelates, and the introduction of that corruption into this church, and were by the parliament vested with this arbitrary and exorbitant power, to order all things relative to external government and policy of the church, and consequently had another claim such as it was, under the colour of the then law, to grant such a liberty to presbyterians, and rescind the penal laws against them, yea, even to have restored presbyterian government, without concurrence of parliament, than for what I know the laws of England allowed in that kingdom. And although the parliament last year had refused to concur with the king in the full extent of his design, for removing the penal laws against papists, no bar was laid in his way as to protestants. Those things I only take notice of as an historian, leaving to others the dispute as to the lawfulness of accepting this favour, and how far it could be reckoned an approbation of the king's unlawful dispensing power as to papists. Further in the proclamation, the king grants liberty to all his subjects, to serve God after their own way and manner, in private houses, chapels, or houses purposely built or hired for the purpose, and requires that nothing be preached, or taught, that may alienate the hearts of people from him or his government; and that the meetings be peaceably, openly, and publicly held, and all persons freely admitted to them; and the names of the places and preachers are to be given in to the next magistrate. All disturbance to such meetings is discharged, and field-meetings are most severely prohibited, and ordered to be prosecuted with the utmost rigour.

This liberty was fallen in with by almost all the presbyterian ministers in the kingdom, and brought a great and general relief to multitudes who were yet in prisons, and under other hardships for conscience sake. And most part of the presbyterian ministers, who had retired to other countries, or were banished, in a little time returned to Scotland. I know of no presbyterians declined the benefit of this liberty, save Mr Renwick and his followers. The presbyterian minis-

ters from the different parts of the country met at Edinburgh about the twentieth of July, and agreed to accept the benefit of this toleration; and after some reasoning, and different sentiments about addressing the king, which some were averse unto, a considerable number of them went into the following address, July 21st, which was signed by some at the desire of the rest. This I have added as a note.* And about the same time the inhabitants of the presbyterian persuasion in Edinburgh and

* *The presbyterian ministers' address of thanks, July 21st, 1687.*

May it please your majesty,

We, your majesty's most loyal subjects, the ministers of the presbyterian persuasion, in your ancient kingdom of Scotland, from the deep sense we have of your majesty's gracious and surprising favour, in not only putting a stop to our long and sufferings for nonconformity, but granting us the liberty of the public and peaceable exercise of our ministerial function, without any hazard; as we bless the great God, who hath put this in your royal heart, do withal find ourselves bound in duty, to offer our most humble and hearty thanks to your sacred majesty, the favour bestowed being to us, and all the people of our persuasion, valuable above all our earthly comforts; especially since we have ground from your majesty to believe, that our loyalty is not to be questioned upon the account of our being presbyterians; who, as we have, amidst all former temptations, endeavoured, so are firmly resolved still to preserve an entire loyalty in our doctrine and practice, (consonant to our known principles, which, according to the holy scriptures, are contained in the Confession of Faith, generally owned by presbyterians, in all your majesty's dominions) and, by the help of God, so to demean ourselves, as your majesty may find cause rather to enlarge, than to diminish your favours towards us; thoroughly persuading ourselves, from your majesty's justice and goodness, that if we shall at any time be otherwise represented, your majesty will not give credit to such information, until you take due cogitation thereof: and humbly beseeching, that those who promote any disloyal principles and practices, (as we do disown them) may be looked upon as none of ours, whatsoever name they may assume to themselves.

May it please your most excellent majesty, graciously to accept this our humble address, as proceeding from the plainness and sincerity of loyal and thankful hearts, much engaged by this your royal favour, to continue our fervent prayers to the King of kings, for divine illumination and conduct, with all other blessings, spiritual and temporal, ever to attend your royal person and government; which is the greatest duty can be rendered to your majesty by

Your majesty's most humble, most faithful, and most obedient subjects.

Subscribed in our own names, and in the names of the rest of the brethren of our persuasion, at their desire.

the Canongate, drew up and signed another address to the king, thanking him for this liberty so surprisingly granted them, which I have likewise added at the foot of the page.† The address of the ministers is very cautiously worded, and that from the inhabitants a little more florid. At that time some exceptions were made against it in conversation, as containing a little too much from presbyterians to a popish prince, and some reflections have been since made upon it, which I shall presently consider. In my opinion, neither of the addresses are

† *Address of the inhabitants of Edinburgh and Canongate, 1687.*

May it please your most sacred majesty,

We cannot find suitable expressions to evidence our most humble and grateful acknowledgments, for your majesty's late gracious declaration, by which we are happily delivered of many sad and grievous burdens we have long groaned under, and (all restraints, to our great joy, being taken off) are allowed the free and peaceable public exercise of our religion, a mercy which is dearer to us than our lives and fortunes. Could we open our hearts, your majesty would undoubtedly see what deep sense and true zeal for your service, so surprising and signal a favour hath imprinted on our spirits; for which we reckon ourselves highly obliged (throwing ourselves at your majesty's feet) to return your most excellent majesty our most humble, dutiful, and hearty thanks; and we desire humbly to assure your majesty, that as the principles of the protestant religion, which, according to our Confession of Faith, we profess, obligeth us, all the days of our lives, to that entire loyalty and duty to your majesty's person and government, that no difference of religion can dissolve; so we hope, and, through God's assistance, shall still endeavour to demean ourselves in our practice, in such manner as shall evidence to the world, the truth and sincerity of our loyalty and gratitude, and make it appear, that there is no inconsistency betwixt true loyalty and presbyterian principles. Great Sir, we humbly offer our dutiful and faithful assurances, that as we have not been hitherto wanting in that great duty, which our consciences bind upon us to pray for your majesty, so this late refreshing and unexpected favour, will much more engage us in great sincerity, to continue still to offer up our desires to the God of heaven, by whom kings reign, and princes decree justice, to bless your royal majesty's person and government, and, after a happy and comfortable reign on earth, to crown you with an incorruptible crown of glory in heaven, which is most ardently prayed for, by

Most dread sovereign,

Your majesty's most humble, most loyal, most dutiful, and most obedient subjects.

Subscribed in our own names, and by order of the citizens and inhabitants of the presbyterian persuasion, within your city of Edinburgh and Canongate.

to be reckoned the deed of the body of presbyterians in Scotland; but whatever in them is praise or blame worthy, is the proper fact of the signers of them. This is plain as to the address from the inhabitants; and the meeting of ministers was not by delegation from the rest in Scotland, neither any judicatory, but an occasional meeting, wherein every one acted as he saw good, and withdrew when not satisfied: so that it is not worth while to dip into the dust raised against those addresses by Mr Renwick and his party. Good numbers of excellent and worthy persons, joined in them as what they thought lawful and necessary at this juncture; and supposing the hypothesis upon which they acted, the lawfulness of owning a popish prince, in the peaceable exercise of the government, though he had not taken the coronation oath, yet peaceably and generally subjected to by the nation; it may be asked, what could they say less than they do, upon supposition, they made any return at all?

I should have said no more upon this head, were it not that some years ago, when a toleration was desired to Scots prelatists, one of the Jacobite party saw good to reprint the "address of the inhabitants of Edinburgh and the Canongate," with some remarks stuffed with pitiful reasonings, and some gross lies, which deserve here a little to be exposed. The remarker pretty openly professeth himself a Jacobite, and by his plain dealing that way, discovered what every body now may see verified in fact, "That a toleration to Scots prelatists was only necessary to promote the interests of jacobitism and popery, and to strengthen a party who plainly owned a foreign jurisdiction." This was at bottom of the toleration sought 1703, when the remarks I am considering were made, and the project broken by the vigorous efforts made by the commission of the general assembly, and the wisdom and steady conduct of the late duke of Argyle and others, in parliament. The same game was playing more openly upon the change of the queen's excellent ministry in the year 1711, when the toleration was granted to the prelatical party; and it must be acknowledged by all at this juncture, (1715,) though some years after some

people may have the impudence to deny it, that the tolerated meeting-^{1687.} house party, have openly joined the pretender in the present unnatural rebellion. That the reader may have the fuller view of this, I will take the liberty to insert here the copy of a letter taken off the original, written by one of our own exauctorate bishops, or their clergy, to a Scots gentleman highly episcopal in his profession, who had qualified in order to serve in parliament 1708, which very providentially came at that time into the hands of a reverend minister of this church, who did me the favour to communicate it. And being, for what I know, in the hands of very few, I shall add it here as what gives a plain view of the spirit of the prelatic party, and how deeply they were in the pretender's interest, and wherein the scheme of the toleration then (1703,) desired, is pretty much opened out. Though this be a digression, yet I doubt not but it will be agreeable to several of my readers, and the rather that I have some ground to think, this might be the concert of that party, and a model according to which letters were written to their staunch friends, the new converts and oath-takers in that parliament.

" Sir,

" As we count it a good omen that one of your principles and temper comes to be member of parliament; so the expectation we have of your acting your part in that capacity, gives us a reviving to our almost fainting hopes. Your laying aside and refusing allegiance during the late reign, was sufficient proof of your loyalty to our rightful king, and affection to our ancient apostolical government of episcopacy: we are therefore obliged to believe that your present compliance doth not proceed from any change of principle, but from a good intention of serving the interest of the royal family, by restoring our banished prince to his due right, and our distressed clergy to their former power and splendour. We hope you are fully satisfied that those are inseparable interests. The same blow waited the ministry and the crown. The king could not be dethroned, but by turning out our reverend fathers, and abolishing our episcopal order. We have now suffered fourteen years' affliction for our loyalty and religion under a prevailing presbyterian faction, which is a weed never thrives but in time of rebellion and disorder. The Belgic tiger is now happily removed, and halcyon days begin to dawn. You have now

1687. an opportunity put in your hand of giving a turn to the affairs of a dis-tempered church and nation, that they may again run in the right channel; nor will friends be wanting in both nations to give encouragement to so great a work; but there is prudence and discretion to be used in our management of it at such a juncture. The house of lords in England have put a sad *remora* in our way, by carrying on the Hanoverian succession, and it will take some time to retrieve that unhappy step; and I judge it will not be expedient to touch in the first place the point of succession, or to declare openly for our righteous heir; but our parliament of Scotland will readily follow that of England. For though our queen may favour her brother more than a stranger, and if cherished with fair promises during her life, may thereby be the more inclinable to do justice to an injured prince; yet it will be inconvenient directly to impugn her pretended right; but if our loyal government of episcopacy were first by law established, it would be a promising step to the "right settlement of the throne." And this you may the more easily appear for, and effectuate, seeing our queen's inclinations in this matter are sufficiently known. Yet this is also to be managed with much caution; for an abolishing of presbytery, and restoring of episcopacy in spite of the claim of right would be a bold attempt. For though that traitorous claim of right might be fairly rescinded if our righteous king were upon the throne, as being only erected in a time of rebellion and confusion, yet it cannot well be done by a parliament called in our queen's name, without a direct impeaching of her authority, or subverting her pretended right to the crown, which is wholly founded upon that contentious claim; but the members must be first sounded, and a just computation of our strength taken, and some previous steps made. Such as restoring of patronages, and granting us an indulgence, with liberty to possess churches and benefices, and this will undoubtedly make way for an entire re-establishment of our "ancient apostolic government of bishops:" for our queen having right as patron in a great many churches, she will still prefer those of our persuasion unto others; and the rest of the laical patrons, partly through inclination, and partly through interest, to please her majesty, will follow her example. Or if ye attempt the demolishing of presbytery, and restitution of episcopacy, you would not presently impeach the whole claim of right, but only that clause that declares episcopacy an insupportable grievance. But I will not take upon me to prescribe methods. We have good friends at court, who will wisely lay down the surest way for advancing our interest. I shall only entreat, you may follow your measures. We are obliged

to you for the contrivance of the queen's letter to the council, which hath animated all our party, and hath not a little encouraged our meeting-houses. We build much upon the L. answer to our address, and the good reception our commissioners met with. We take it as a testimony of my lord chancellor's affection, that he interrupted and suddenly dissolved the late assembly. Our affairs will succeed apace if our friends act their part in the ensuing parliament. And the truth is, unless our parliament do more for us, what has been hitherto done will avail but little: for though we are at indefatigable pains in establishing meeting-houses, wherever we can have access, yet we will not be able to hold out long, if we get not possession of the churches. The people whom we engage, with all our power, to continue in our meetings, will soon forsake us, if a burden of our subsistence be laid upon them. Expecting your zeal and steadfastness for a good old cause, and relief of the oppressed clergy, I remain in all duty,

Your most humble servant."

From this letter we have a fair view of the projects of that party, who cried so much for a toleration, and published the remarks to which I return again. The author of them, by a pitiful pun, will have the addressers to be the greatest Jacobites, and taking this for certain, challenges them why they fell in with the revolution in less than two years. We see he enjoys the comfort of their being fellow-slaves with him only for a short time. Next he asks, with assurance enough, "since no difference of religion could dissolve their loyalty and duty all the days of their life, how came it to be dissolved in less than two years?" It is not my business to defend the expression in the address; perhaps one as good might have been used: but the remarker's question may be very soon answered. According to the principles of the addressers, the precise difference in religion, and the king's being a papist, was not the reason of their falling off from him in so short a space. Had the king kept by his engagement in this very proclamation they are just now thanking him for, "to preserve and maintain the free exercise of the protestant religion," they would sincerely have continued in their loyalty to him, notwithstanding his difference in religion:* but

* "James and his historian Macpherson would

when instead of this, he was violently running into the utter extirpation of our reformation, when palming upon them a pretended child of his, and openly overturning civil liberty, and when he had taken the guilt of all upon him by running away, the case altered mightily. What he next alleges, that they thanked the king for "going over the belly of law, and declaring" (he should have said, exercising,) "his absolute power," is what, I suppose, the addressers would flatly deny. And besides what hath been just now suggested upon this head, they were of opinion the penal laws against them were iniquitous in their nature, and injurious in their execution, and did not reckon the suspension of such laws, by one in the peaceable possession of the government, any exercise of absolute power homologated by them, more than robbery is homologate, by a man's receiving back his own money from the robber, who had violently taken it from him. But what follows chiefly led me to make those observations. The author, after he had taken notice that the addressers gratefully acknowledge their being delivered from many sad and grievous burdens, adds, I knew no burden they groaned under upon the account of religion; for the doctrine, worship, and censures, (he will not call it discipline, for indeed the prelatists had little of this) were very much the same under prelacy as presbytery, and only differed a little as to the government, which does not so much concern the laics; was it not a sad burden to them, to live quietly and peaceably under episcopal protestancy? I cannot persuade myself but the author knew some burdens presbyterians were under for religion, else he hath been a great stranger in Scotland; but none know so little as these who will not see. Now the world knows part of them from the preceding work, and I hope we shall have no more such assertions in print. I shall not dip into many differences

persuade us that nothing more than a toleration was intended for papists. Why then did he not acquiesce in a repeal of the penal laws to which the prince (of Orange) would have assented? The repeal of the tests, in which he was inflexible, could have no object but to throw the government into the hands of the papists, to effect a change of religion." Laing, iv. p. 183.—*Ed.*

might be assigned, even as to doctrine, worship, and discipline, under 1687. presbytery and prelacy. Giving, and not granting, the differences had been smaller than indeed they were, the addressers reckoned it no small burden, to have their scriptural, lawful, and beloved pastors torn from them and persecuted, and themselves forced in to receive word and sacraments, from men of the characters and qualities most of the present clergy were of, and to submit to a government, antisciptural, and paving the way to popery. The remarker adds, "Indeed a great many who called themselves presbyterians were fined, imprisoned, banished, and executed, but for what? never one of them was punished for being presbyterian, but for disobeying the laws of God and man, nature and nations, and particularly the laws and acts of parliament in this kingdom. Were they not punished for the crimes of treason, rebellion, plotting, sedition, murder, assassination, robbery, insurrection, refusing 'Cesar' his due, &c." It was this, and such scandalous lies, and impudent impositions upon the common sense and knowledge of thousands yet alive, in the episcopal writers, since the revolution, which in part engaged me in the toil of writing this history. And what is narrated in the former part of it, and fully vouched, will abundantly confute this vile calumny cast upon the sufferers of this period. I could go through every branch of this heap of slander he throws in bulk upon the sufferers since the restoration, but it would only be a repetition of what is set in a clearer light in the former part of this work; so that those worthy persons stand in no need of this slanderer's apology. *Tempora mutantur, &c.* But leaving those remarks, it may be more worth the reader's while, to have some account of the improvement presbyterian ministers made of this liberty thus granted them.

The meeting of ministers at Edinburgh agreed upon several very good rules for their own practice, in their present circumstances, which discover much of the solidity and prudence those worthy men were blessed with now, after they had come out of a long and fiery furnace. The curious reader, I believe, will not blame me

1687. for inserting them here, being a good specimen of the abilities of those ministers who framed them.

“Overtures for making the liberty practicable.

“1. That all ministers who can conveniently meet together, associate themselves in the bounds of the presbyteries, where formerly they had their congregations, and if there be not a number alive, that can make up a competent meeting, that they of the adjacent presbyteries, or, if need and convenience be, all of the whole synod join together; and that they take in amongst their number, such ministers of their persuasion, as providence hath cast to live in their bounds, until the Lord make way for their access, either to their own or other congregations, and also those whose charges have formerly been out of the nation.

“2. That those meetings convene monthly, or more frequently, as the conveniency of the bounds, and the necessity of their affairs requires.

“3. That every minister in those bounds submit himself to his brethren, and that none set up a congregation by himself, without the advice of his brethren, and the desire of the people.

“4. That no expectants without the bounds of the province, preach without acquainting some of the ministers of that bounds; and that no people invite any preachers, without acquainting some of the ministers of the meeting. If they be strangers or expectants, they are to show their testimonials.

“5. That all who have not been ordained to particular flocks, come to the respective meetings of their residence, and instruct their ordination; and that henceforth none be ordained indefinitely.

“6. That there be a list given in of all the presbyterian ministers alive, and of all probationers, who are to instruct their licences.

“7. That until ministers can have access to their own congregations, and be accommodated with meeting-houses and dwelling-places, they do, in places of their present residence, with the advice of their brethren, and invitation of the people, exercise their ministry, or continue to do so as formerly in their families.

“8. That the respective meetings be careful to recommend to people, the hearing and calling of fit and qualified persons, and that special regard be had to such suffering ministers, as cannot have access to their own congregations.

“9. That it be recommended to the respective meetings, to take narrow inspection of the whole bounds, and employ their brethren or expectants, for supplying the people with preaching, and call for help where need is, from ministers and expectants, from other provinces, and that they encourage young men in their studies, keep the

rules of the assemblies in their trials, and ordain them upon calls from congregations.

“10. That the respective meetings give their advice, and concur with the people for setting up of meeting-houses in the most convenient places, especially considering, that one house may be useful for the people of divers adjacent congregations; and it cannot be expected, that there can be as many meeting-houses as parishes, especially in the country.

“11. That associate meetings take a prudent way to get the concurrence and countenance of persons of quality, for the furtherance of the gospel, have with them ruling elders, set up elderships where they are not, choose moderators and clerks, keep registers of their proceedings, behaving themselves humbly and gainingly toward all those of other persuasions.

“12. That ministers in their respective meeting-houses lecture as formerly, preach, if able, twice every Lord's day, and week days; and, if they can conveniently, exercise discipline, and endeavour to have knowledge of all who are subject unto them, be frequent in catechizing as the great mean of edification, and obviating error, prepare the people for the sacrament, and administer the same so soon as they can conveniently, seeing it hath been so long in desuetude, cause to set up family-worship, and exhort to seeking of God in secret, keep session-books, and registers of baptisms, and marriage, and collections for the poor.

“13. That ministers in their respective bounds, choose two delegates or more, one of five, and if fewer, but one, and if but one, that that one come to attend the public meetings, as they shall be called *pro re nata*, bring with them a ruling elder; and that every meeting correspond as formerly with the adjacent provinces.

“14. That where there is not a constitute eldership among those of a meeting-house, who design to call a minister, the respective ministers of the bounds, send some of their number to constitute an eldership, with the advice of heads of families belonging thereunto, that the calling and settling of the minister there may be the more orderly.

“15. That in supplying of meeting-houses, and planting of ministers, special regard be had to the noblemen's residences, and considerable congregations.

“16. That special care be taken that Edinburgh, which is the chief city of the nation, where courts and judicatories, and persons of greatest quality reside, and which hath been most useful to suffering persons in these sad times, be specially regarded and provided with able, experienced, and godly men; and in the meantime, while ministers can be got to them in an orderly way, by transportation or otherwise, the respective ministers of the bounds,

carefully provide them with the most able of those whom providence hath tryed to reside in the bounds.

"17. That where a parish is in a capacity to give encouragement to a presbyterian minister, where their old minister is alive, who was their called minister at the time of the change, that he be obliged to return to them, and they to adhere to him.

"18. That care be taken, in meekness and love, to reclaim all persons, preachers, or others, who have stepped aside in the hour of temptation, and day of darkness, especially those who are given to wild courses.

"19. That ministers who shall be settled in meeting-houses, carry abstractly, inoffensively, and unconcernedly, as to their own maintenance, that the world may see that it is not our own things, but the concerns of Christ Jesus we have before our eyes.

"20. That preachers forget not to pray for our dread sovereign, his consort and the royal family, and persons in authority.

"21. That unity, harmony, and love be entertained among ourselves, and former taken offences be covered with the mantle of charity, and not noticed, except where there is matter of just and unquestionable offence to be removed, which is to be done by the respective meetings in the most prudent way.

"22. That the respective meetings set apart days for prayer and humiliation among themselves.

"23. That the respective meetings choose their delegates the first day of their meeting, to be in readiness to come to Edinburgh the first Wednesday of October next, or sooner, if advertised by the brethren of the province of Edinburgh.

"24. That doubles of the letters condescended on by this meeting, to be sent to congregations and ministers abroad in foreign parts, be transmitted to the respective meetings, to be made use of by them as the import requires.

The last of those overtures brings me to the letter this same meeting agreed upon to be sent through the different congregations, where there was any room for it; and it savours so much of a gospel and healing spirit, that it deserves a room here, and I give it from one of the original letters in my hand, signed by Mr Andrew Morton, moderator of the meeting."

"Dearly beloved friends in Christ,

"The ministers of the gospel, who have been here occasionally together, to consider of the improvement we are called to make of the signal and unexpected mercy God hath been pleased to bestow on this poor afflicted church, by putting

IV.

it into the heart of the king, to grant unto us the free and peaceable exercise of our ministry, so long denied to us, and the benefit thereof to you, having compassion upon the unsettled condition of the people, and considering what sad inconveniences they have been under, the many and great snares they have been exposed unto, through the want of the fixed inspection of their faithful pastors and guides; and not doubting but a great many are longing and thirsting after the same, have thought it their duty, unanimously to concur in stirring up and encouraging those holy desires in you, that you may lay hold on the present opportunity for obtaining the sincere milk of the word, and somewhat of these benefits you have been so long deprived of; beseeching you in the bowels of our Lord Jesus Christ, that laying aside all heats and animosities, mutual jealousies and suspicions, you may be perfectly joined together in one mind and one heart, to promote this necessary work of your own and others' edification and salvation; and therefore that such of you as want pastors, do seek in the most orderly way to be furnished with them, and such as have them yet alive in the kingdom, do call and encourage them home to their proper work, subjecting yourselves to their ministry; and those whose pastors are without the kingdom, do also use all diligence to call them home to you, endeavouring to have all obstructions removed out of the way of their return. And to enforce the same the more, it is desired that this letter of ours be transmitted to them by you, with your invitation to your respective pastors, as a testimony of our unanimous and hearty concurrence with you therein, and the joining of our earnest desires with yours for their speedy return. Which, with your fervent prayers at the throne of grace, for the Lord's being pacified, his gracious return, and making his face to shine both upon you and us, that the good pleasure of the Lord may prosper among our hands, is all at present recommended to you by

"Your affectionate friend in Christ,
"Subscribing at the desire of the ministers met at Edinburgh, July 21st, 1687.

"AND. MORTON."

From this letter and those overtures, the reader will have the best view of the improvement presbyterian ministers made of the liberty granted them, and the notion they had of it. For my share, I do not question but this liberty was designed for evil, but the Lord turned it about for good, and great good; not only to the souls of many particular persons, but the interests of the church, and the advantage of the

1687. nation as to our civil rights. The toleration was undoubtedly at first designed for papists; and we have heard how, by a very open act of dispensing and absolute power, they got as much as they desired, and the presbyterians had not the least share.* So open a step in favours of popery, did alarm great numbers; not only these noblemen last year, turned out for their vigorous appearance in parliament, the earl of Dumfries, the lord Ross, and others named before, but duke Hamilton, the earls of Panmure and Dundonald, and others who had a great interest in the nation, began to have their eyes opened, and to take up the danger their all was in. Matters were as ill as they could be as to papists, and that passed people's power to help, for some time yet; and where can the blame lie, that the remains of presbyterians should essay to recover what had been most unjustly torn out of their hands; meanwhile, I cannot observe any active hand they had in seeking this liberty: yea, their expressions, "the sudden and surprising nature of this favour," they use in all their papers when they speak of it, seem to import it was unexpected and unasked; and probably it was given by the court to calm people's spirits, and lull them asleep, till some more favourable opportunity offered to ruin the reformation entirely. It is plain, that the presbyterian ministers fall in with the favour done them, with the wisdom of the serpent joined to the harmlessness of the dove, and so as to prevent the mischief designed thereby. As long as it was connected with a liberty to papists in its promulgation, and until all the former restrictions were taken off, they unan-

imously rejected it; and when those were removed, they improved it, not only as a mere toleration to preach and worship God in their scriptural way, but as the taking off the cords they had been so long fettered with, and the opening of their prison doors; and they come out and fall to their Master's work in all the parts of it, like people at liberty, without any regard to the narrowness of the passage by which they escaped, and set up not only worship, but government and discipline, and make provision for planting the church, by encouraging young students, licensing and ordaining them to congregations. Their judicatories meet, ministers are ordered back to their old charges, and every thing is done, as far as circumstances would allow, according to the plat-form of this church, and its privileges since the reformation, from the enjoyment of which they had been forcibly and very unjustly removed. Accordingly the synod of Glasgow and Ayr met in a house at Glasgow, upon the 30th day of August this year, a good many of the members of it at the restoration being alive, and some few being added to their number, by ordination, to particular congregations upon the call of the people, even in the suffering times, as hath been observed. Mr William Violant was chosen moderator, and, among other things, took under their consideration the necessity of training up a good many hopeful youths, who had not the opportunity of public teaching, since they came from their philosophical studies in the university, in their theological studies, and by their act recommended the care of them to the late reverend and

* "The Cameronians, who had renounced their allegiance to a tyrannical sovereign, acted consistently when the indulgence was offered to them, and they boldly refused to take advantage of what had flowed from so polluted a source. They openly declared, that the sole design of the toleration was to secure the introduction of popery: they expressed just abhorrence of that absolute power by which the king dispensed with the fundamental laws of the kingdom; and they continued to meet for divine worship in conventicles, setting at defiance those parts of the indulgence which denounced vengeance against all who preached in the fields, and did not give security for their loyalty." Cook's Hist. vol. III. p. 431. We cannot but admire the consistent heroism of these men, nowever we may lament

their occasional excesses. Those who wish to enter fully into the reasonings of the Cameronians on this matter, may reap great advantage by a careful perusal of the "Hind let Loose," under the title of "The sufferings of the last period."—"They," i. e. the persecuting party "will be very easie for their accommodations where they find the poor man beginning to faint, and hearken to their overtures, wherein they will grant him his life, yielding to him as cunning anglers do with fishes; and to persuade him to some length in complying, they will offer conference sometimes or reasoning upon the point, to satisfie and inform his conscience, but really to catch him with their busked hook." Hind, p. 207. ed. 1657.—Ed.

learned Mr James Wodrow. My relation is too near to that excellent person, to offer any character of him, and I may without being mistaken, say, it is so savoury and recent in this church, that there is no need of it. For upwards of four years he had the care of a very numerous society of students of divinity, joined with the pastoral charge of a congregation in the city of Glasgow, and attended them in his own chamber five days in the week, explaining a system of divinity, presiding in theological disputes, and receiving preparatory exercises and discourses from them during that time, till he was called to the divinity chair, as professor of theology in the university of Glasgow, February 22d, 1692. His scholars were very numerous during this interval, and the eighteen years he was divinity professor. At his much lamented death, September, 1708, I had the curiosity to look over the yearly rolls of his students, and it gave me no small satisfaction to find that there were near five hundred reverend ministers of this church, who had actually attended his divinity lessons, and been for some time under his care and inspection. A good many, since his death, might be added to that number, to say nothing of several English, and a great number of Irish students, who attended his lessons, and are useful for the Redeemer's kingdom in our sister churches. In short, under this liberty a large seed was sown, and the foundations laid for the speedy, happy, and comfortable settlement of this church, at and since the revolution. Besides, the good providence of God ordered this breathing time to presbyterians, sensibly to prepare matters in Scotland, for the great turn at the never-to-be-forgotten revolution, and the nation's delivery from slavery, as well as popery and prelacy. The hearty friends of liberty as well as religion, had occasions of being together, and strengthening one another's hands, and preparing matters eventually for what followed, though this was not, and could not be in their eye at the time, and far less was in the view of the court; but this was every way the Lord's doing, and the more of his hand, and the less of man's was in it, the more "wonderful it ought to be in our eyes."

Those remarks bring to my thoughts a passage which I cannot 1687.
omit in this history, and think it not improper to record in this place, as containing the sense and opinion of so great a judge of men and things, as the late king William of ever glorious memory, concerning this liberty I have been giving some account of. And I have it from the first hand, the person to whom the then prince of Orange did the honour to express his sentiments upon this head; and I give it from a written account under his hand, where sometime after, as far as his memory served him, he set down the expressions which passed; and he is very confident what follows were the prince's words to him, for they left no small impression on his spirit at the time, and since. The reverend Mr Patrick Warner, of whom above, had a call this year from the magistrates and inhabitants of the town and parish of Irvine, with an invitation from the ministers of that presbytery, to the pastoral charge of that congregation, sent over to Holland, where we left him since his last sufferings; and he finding clearness to return and exercise his ministry in Scotland, a lady of quality, the excellent countess of Sutherland, but lately deceased, being to wait on the princess of Orange, and knowing of Mr Warner's designed return, asked his allowance to acquaint the princess, and to inquire if her highness had any commands to Scotland, which he could not but give. The return that most excellent princess was pleased to give to the lady, was to this effect, "That the best service he and those of his character could do her, was to be earnest in their prayers to God in her behalf, that she might be kept firm and faithful to the true reformed religion; that she knew his principles were not in all things agreeable to what she had been educated and brought up in; but she assured him, she had a sincere love and kindness to all true protestants, and heartily wished, that a way might be fallen upon to take up their differences, and reconcile them among themselves. And she added, notwithstanding our differences in some things, yet I have a tender sympathy with them, and am grieved for the severities that have been used toward that poor

persecuted people in Scotland, for
 1687. their adhering to their principles, which they thought themselves in conscience obliged to do, by virtue of their covenant; and were it in my power to remedy it, I would, and could never consent to any persecution upon that head." Withal she signified, that it would not be amiss Mr Warner should wait upon the prince at the Hague before he went off. This he was not very forward to, but upon such an invitation, and all his friends urged him to it, he went to the Hague with one of them, who had acquaintances there, and was brought to Mynheer Bentinck, who took his name, and that of the house where he lodged, and promised to send one to him, when it was most convenient to wait upon the prince. Accordingly, about two or three days after, a servant came to Mr Warner's lodgings about eight in the morning, and brought him to Monsieur Bentinck, and in a very little time he had access to the prince, in the large gallery at the Hague, all alone, in the end of November or beginning of December this year, when Mr Warner had not the least knowledge of a design (if it was yet formed) in his highness to go to England; but, as every body did, looked upon the princess and him as nearest to the crown of Britain, upon king James's demise without heirs, neither was there any thing yet known of the pretended heir the king afterwards provided. After Mr Warner had kissed the prince's hand, he acquainted his highness, that he had a call to return to Scotland, to exercise his ministry there, and reckoned it his duty to wait upon his highness, to know if there was any service he was capable of doing him in that country. The prince answered, "He understood he was called home upon the liberty lately granted there; but, said he, I can assure you that liberty is not granted from any favour or kindness to you, or your party, but from favour to papists, and to divide you among yourselves; yet, I think, you may be so wise as to take the good of it, and prevent the evil designed, and instead of dividing, come to a better harmony among yourselves, when you have liberty to see one another, and meet freely together." Mr Warner answered, he heartily

wished it might be so, and for his part, he should not be wanting in his endeavours that it should be so. And took the liberty to add, "That the presbyterians in Scotland are looked upon, and represented, as a very despicable and insignificant party; and those who do so, take their measures from the appearances made at Pentland and Bothwell, or the like attempts, reckoning that the whole power and numbers of presbyterians were there drawn forth and united; but he could assure his highness, that the people who thus reckoned were mistaken, for a great many in the nation, who were firm presbyterians, were not fully satisfied as to the grounds and manner of those risings, and did not join, and others were borne down with sore persecution; but he was of opinion, that if Scotland were left to their free choice, of three parts two would be found presbyterians. We are," continued he, "indeed a poor persecuted party, and for many years under heavy sufferings, and have none under God to look to, for our help and relief, but your royal highness, upon the account of that relation you and the princess have to the crown. Your ancestors formerly espoused the protestant interest when it was low, and had but few friends, and as they honoured God in appearing for him, so God honoured them; your family increased both in dignity and power: and I nothing doubt (Mr Warner here remembers he spoke this with more than ordinary seriousness) that if the Lord now incline your highness's heart to espouse his interest in Scotland, and befriend that poor persecuted people there, you shall never be a loser thereby, but therein as you honour God, so God will honour your highness." To this the prince was pleased to answer, "I have been educated in that persuasion, and hope to continue in it; and I assure you, if ever it be in my power, I shall make the presbyterian church-government, the established church-government of that nation; and of this you may likewise assure your friends, as in prudence you shall find convenient; and because my wife has not been so bred, you may possibly be jealous of her, yet I can give you the same assurances for her, as for myself." This account from the fountain the reader may entirely depend

upon, and I thought it deserved a room here, as containing the sense of so great a person upon this liberty, and his free and undisguised opinion of things in this time; and it is a noble instance of that real kindness and heart-respect this excellent pair, to whom those last ages have no parallel, entertained toward the suffering presbyterians in Scotland, and their warm side to our reformation rights.

The liberty thus granted, was greedily embraced by multitudes on the south side of Tay. Large and spacious meeting-houses were soon built in many of the towns through the west, south, and east of Scotland, and even through the country parishes; and all over those parts, and even in several places in the north, presbyterian ministers preached, and were settled upon the call of the people; and the auditories of the episcopal clergy turned very thin, yea, in many places in the south and west, they had nobody to hear them save their own families. Likewise, the nobility and gentry, some of them of the highest rank in the kingdom, left the churches, and frequented the meeting-houses, this year and the following, as in Paisley, Leslie, Weems, Ormiston, Struthers, and other places; and, which was more than all this, the ministers in the meeting-houses were evidently countenanced from heaven, and very remarkable success attended their sermons under this liberty, and multitudes were converted, and many confirmed and edified.

CHAP. XII.

OF THE STATE OF MATTERS IN THE YEAR 1688, WHEN THE SUFFERINGS OF PRESBYTERIANS ENDED, BY THE HAPPY AND GLORIOUS REVOLUTION.

Now the reader is brought to the 1688. last of these twenty and eight years, of black and heavy persecution I have undertaken the narrative of in this history; and therein we find a stop put to the tide of blood in this period, with the public execution of that good man Mr Renwick. There were likewise not a few other lesser severities exercised through the kingdom. No small encroachments were made upon the

toleration and liberty granted last year unto presbyterian ministers, 1688. who were disturbed in exercising their function, and some of them processed criminally, for their freedom in preaching against popery. Far greater hardships were projected, and the ruin of the whole reformation was hastening on, had not these been happily prevented, by the wonderful turn affairs took in the end of this year. I shall very briefly then take a view of what hath come to my hand remarkable this year, and run through the procedure of the justiciary, and the public acts and proclamations of council, give a pretty full account of Mr Renwick's sufferings, and the lesser hardships many other good people underwent, and take notice of some other remarkables this year, which will lead in more immediately to the happy revolution in November.

SECT. I.

Of the procedure of the justiciary, and acts and proclamations of council this year, 1688.

SINCE hitherto I have ordinarily begun my accounts of the different years, with the more public procedure of the managers, I shall follow the same order here. It is but little that offers from the criminal court; from the council we shall meet with not a few proclamations, which I shall run through as they come in order of time, leaving some of their actings toward the end of the year, which are connected more directly with the revolution, to the last section.

To begin with the criminal books; upon the 6th of February, Philip Stanfield, son to Sir James Stanfield of Newmills, was tried and condemned for the murder of his father. The process is printed, and I should not have mentioned it here, had it not been to take notice of one circumstance, which I have from several hands, and one of them present when this passage fell out. This profligate youth being at the university of St Andrews, a good many years before he committed this barbarous murder, came to a sermon in Kinkel-closs, about a mile

from St Andrews, where Mr John 1688. Welsh was preaching, and in his spite and mockery in time of sermon, threw somewhat or other at the minister, which hit him. The minister stopped, and said, he did not know who had put that public affront on a servant of Christ; but be who he would, he was persuaded, there would be more present at his death, than were hearing him preach that day, and the multitude was not small. This was accomplished, and Mr Standfield acknowledged this in prison after he was condemned, and that God was about to accomplish what he had been warned of.

Upon February 8th, Mr James Renwick's process came on before the justiciary; but I am to leave it to a section by itself, where I shall give a larger account of it than yet, for what I know, hath been published.

February 13th, the reverend Mr John Hardy, minister at Gordon, was tried for treason before the justiciary. The true ground of his process, was the freedom this worthy person took to preach against popery, and the hazard thereof he represented those nations to be in: and it was designed for the terror of other presbyterian ministers, who spared not to warn their hearers of their hazard this way, and some of the episcopal ministers who showed themselves really concerned at this juncture, with our common danger of popery. Mr Hardy is indicted for treason, and seditious speeches, "that he inveighed against that universal ease which his majesty hath given to his subjects, in matters relating to their conscience, and that he endeavoured to create jealousies and misapprehensions of the king, telling his hearers, they ought to be sorry, that others besides themselves enjoyed that freedom, and that no true presbyterian could consent that any others should have liberty of conscience, but those of their own persuasion; and so is guilty of sedition and treason, and ought to be punished with death and confiscation of goods." The lawyers in defence of the pannel, have very large reasonings upon the relevancy of the libel, and the extent of the words spoken by ministers in sermons, and their import in law. In the records those take up several sheets of paper. In short, still deny-

ing the libel, they plead the known peaceableness and loyalty of Mr Hardy, that under the usurpation he was very useful for levying men for the king's service, under the earl of Glencairn, lord Kenmuir, and Middleton; that he had since kept the church; that the expressions in the libel must be proven *copulative*; that hearers are not judges of the connection of what ministers preach, many times; that the scope of his sermon at the time libelled did not run that way; that he blessed the Lord for the indulgence granted; that picked expressions in a minister's sermon can never be admitted as relevant, otherwise ministers could be libelled for blasphemy, by one that only hears a part of scripture cited, as for instance Paal. 14. 1. The lords, by their interlocutor, find, that the speeches libelled do not infer the pains in the indictment; and so the process is dropped.

Upon the 17th of February, I find Sir George Mackenzie his commission as king's advocate is read, and Sir John Dalrymple is turned off. The reasons of this change I leave to the civil historians. And March 1st, the lord Harcass is turned out of the criminal court; his case I think is in print. No more, needful in this history, offers from the criminal registers.

The accounts of the procedure of the council will take me some longer time, and I can only give it from their printed proclamations, and other papers relative to the subjects of those come to my hand.

When in the beginning of January the accounts were sent down from London of the queen's being with child, so fond were our Scots council, not only of a popish prince, but of entailing popery and slavery upon those lands, that upon the 17th day of January, they appoint a day of public thanksgiving upon this account, and order it to be kept with prayers and thanksgivings in the diocese of Edinburgh, January 29th, and through the rest of the kingdom, February 19th. The act itself I have insert in a note.* Whether this day was solem-

* Act, January 17th, 1688, for a thanksgiving upon the queen's being with child.

Since it hath pleased almighty God, the fountain of all life, by whom kings reign, and king-

nized with preaching, as well as prayer and thanksgiving, I have not learned. This was the way days of this nature used to be kept. But the proclamation takes no notice of this branch of the work of the day. The tolerated presbyterian ministers did not keep it, and it was well it was not imposed upon them, as far as I can observe in the act, at least they are not particularly specified. No doubt the popish meetings kept it with a peculiar pleasure. The suspicions of fraud in this matter were by this time not small.

Upon the 27th of April, the king publishes another declaration, for liberty of conscience in England. The king signifies, "His conduct hath been such in all times, as ought to persuade all he was firm to his resolutions; yet that easy people may not be abused by the malice of crafty men, he declares his intentions are not changed, since he issued his proclamation, April 4th, last year." Which is insert, as we had it above, note page 424. And after the former declaration, he adds, "ever since we granted this indulgence, it hath been our principal care

doms are established, to grant unto the king's most excellent majesty, fresh hopes of royal issue, by his most serene consort, our gracious queen Mary, who (through the great goodness and blessing of God) is now with child; and considering, that the multiplying of the branches of the royal family, (especially issuing from our present sacred sovereign, James VII. under whose auspicious, wise, and clement government we enjoy so much prosperity, peace and plenty) is a most desirable blessing, a native support, and strengthening of the crown, and, by just consequence, a public blessing to this kingdom, tending to the further security of the peace and happiness thereof; his majesty therefore, (at the humble and earnest desire, and by the advice of his privy council) hath thought fit upon this important occasion, to set apart, and appoint a time, for rendering devout and solemn thanks to God, for this great mercy and blessing, and for offering public and hearty prayers to his Divine Majesty, to bless and preserve the sacred person of our dread sovereign lord the king, to prosper his reign with honourable and glorious successes, and to prolong his life, that he may see his children's children, and his throne may be as the sun; as also, that he may bless, preserve, and strengthen his royal consort the queen's majesty, and make perfect his work begun for her, may save and defend her from all dangers and evil accidents, that what she hath conceived, may be preserved and happily brought forth, to the joy of our sovereign lord the king, the further security of his crown, and the happiness and establishment of this kingdom. For the end, his majesty, with advice foresaid, doth appoint and ordain, that the foresaid thanksgiving and prayers, be devoutly and solemnly performed, in all the

to see it preserved without distinction, as we are encouraged to do daily, 1688. by multitudes of addresses from our subjects of all persuasions, the effects of which, we doubt not, our next parliament will show; and that it is not in vain we have endeavoured to establish liberty of conscience, on such foundation as will render it unalterable, and secure to all people the free exercise of their religion for ever. It is such a security we desire, without the burden and constraint of oaths and tests, which have been unhappily made by some governments, but never could support any; nor ought men to be advanced by such means, to offices and employments which should be the reward of fidelity, service, and merit." He expects this will be much for the advantage of trade, and plainly intimates he had turned out of places of trust, all who were not for this liberty; and desires his people to consider their happiness under his government, and that now during three years, he has not appeared to be what his enemies represented him; calls the country to choose such members as will carry on

parish-churches within the city and diocese of Edinburgh, upon the twenty-ninth day of January instant, and in all the other churches within this kingdom, upon the nineteenth day of February next; and his majesty accordingly requires and commands, the most reverend and right reverend, the archbishops and bishops, to take care, that in all the parish-churches within their respective dioceses, these prayers and thanksgivings be accordingly celebrate by all the ministers and presbyters under their jurisdiction, and that they cause intimation be made hereof, by reading of the same from the pulpits, in the several parish-churches, the Lord's day immediately preceding the said solemn days of public thanksgiving, respective. And finally his majesty charges and commands all his loving subjects, heartily to join and concur in these religious and dutiful performances, as they would show their piety and loyalty, in praying for the life of the king, the increase of his royal issue, the further security of the crown, and the establishment of peace and happiness in this his ancient kingdom. And that these presents may be made public and known, his majesty ordains his lyon king at arms and his brethren, heralds, the macers of the privy council, and pursuivants, to pass to the market-cross of Edinburgh and other places needful, and there, by open proclamation, and with all accustomed solemnities on extraordinary occasions, make publication of the premises, that none may pretend ignorance. Extracted forth of the records of privy council, by Sir William Paterson, baronet, clerk of his majesty's most honourable privy council.

WILLIAM PATERSON, Cl. Secr. Concilii.

God save the king.

what he hath begun for the next 1688. parliament, which he designs to hold November next. But he had other work put in his hand by that time.

That things might correspond in Scotland, a new proclamation is published there called the fourth indulgence, May 15th, which I have insert at the foot of the page.*

* *Proclamation, May 15th, 1688, or the Fourth Indulgence.*

JAMES R.

JAMES VII. by the grace of God, king of great Britain, France, and Ireland, defender of the faith, &c. To all and sundry our good subjects, whom these presents do or may concern, greeting. Since our accession to the throne of our royal ancestors, our chiefest care has been to procure the security, peace, and happiness of our subjects, by all the ways our paternal care of our people could suggest to us, especially by removing the pressures of penal laws, in matters of mere religion, and forbidding all differencing oaths and tests, whose unreasonable weight hung heavy on us and our people, precluding both from our native freedom and birth-right; and this we did by our royal declaration, of the date 12th of February, 1687. In which declaration we were pleased, for the great and weighty causes and considerations therein mentioned, and by virtue of our sovereign authority, prerogative royal, and absolute power, so plainly acknowledged by several acts of parliament, and especially by the second act of our first parliament, to give and grant our royal toleration, to all the professors of the christian religion therein named, and with and under certain conditions, restrictions, and limitations, judged by us for the time to be necessary; requiring and expecting, that all our good subjects would give their assistance and concurrence thereunto, on all occasions, in their respective capacities; suspending, disabling, and stopping all penal laws, acts of parliament, customs or constitutions, made or executed against dissenters, for matters of mere religion. And further, we did cass, annul, and discharge, all oaths whatsoever, by which any were disabled from holding places or offices, or enjoying their hereditary rights and privileges, discharging the same to be thenceforward given or taken, without our special warrant; stopping, disabling, and dispensing, as well with all laws enjoining the said oaths and tests, as with the other penal laws therein mentioned; and declaring, that it never was our principle, nor would we suffer violence to be offered to any man's conscience, or force to be used against any man, on the account of his persuasion; and that we would employ indifferently, all our subjects of all persuasions, so as none should meet with any discouragement, on the account of his religion, but be advanced and esteemed by us, according to their several capacities and qualifications, so long as we should find charity and unity maintained; and if any animosities should arise, that then we would show the severest effects of our royal displeasure, against the beginners or fomenters thereof, seeing thereby our subjects might be deprived of that general ease and satisfaction that we did intend to all of them, whose happiness, prosper-

It speaks for itself. He alleges law for what he had done, particularly the second act of his first parliament. He narrates his proclamation, February 12th, last year

ity, wealth, and safety, were so much in our royal care, that we would leave nothing undone that might procure these blessings for them. We did likewise declare, that we were resolved to maintain our archbishops and bishops of the protestant religion, with all the inferior clergy, in the full and free possession of their rights and privileges, as they now enjoy them, and all our protestant subjects, in the free exercise of their religion; as likewise the possessors of church or abbey lands, in their full right of their possessions, according to law in the case already provided; likewise granting our indemnity, with such exceptions as in the foresaid proclamation is more fully expressed. Thereafter we thought fit to explain and enlarge the same, by our second declaration, bearing date at Windsor the 28th day of June last bypast. (See note, page 358.) And in pursuance of our royal intentions therein expressed, we have dissolved all our judicatures of privy council, session, exchequer, judiciary, and magistracy of our burghs royal, that by their acceptations of new commissions, on the terms of our royal pleasure, as above expressed, we might convince the world of the justice of our procedure, as the universal thanks of our people have manifested their joy, for so unexpected, unhoped-for blessings, terminating at once their persecutions, and freeing ourself from the bad consequences thereof, too manifest in bypast reigns, to be forgotten in this; and yet there are still some enemies to us, and to their own peace, who labour to lessen the happiness our people enjoy, by fears and jealousies, that it will not be lasting; but we will let them and all the world know, that our care shall be more indefatigable to prevent and defeat their malice, than they shall be to contrive or aid the same. And therefore, we have again thought fit to declare our royal intentions, to stand to and maintain our first declaration of the date the 12th of February, 1687, in so far as it is above repeated, and as it is explained and enlarged by our second, of the date the 28th of June, according to the true meaning and import of the same. And if any shall be so bold as to refuse their due concurrence with, or obedience to us in these points, they shall find the weight of our royal displeasure, so as to terrify others from the like undutifulness to our royal authority, whilst on the other part, such as dutifully obey and act as become them, shall enjoy the comfort of our royal protection and favour. And to the end all our subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, to make timeous proclamation thereof, at the market-cross of Edinburgh. For all which, this shall be to all persons respectively, who may be therein any way concerned, a sufficient warrant.

Given under our royal hand and signet, at our court at Whitehall, the seventh day of May, 1688, and of our reign the fourth year.

By his majesty's command,

MELFORD.

but how truly it is said, that therein "all are freed from oaths, &c." when a most choking one to presbyterians was in the bosom of it, I must leave to others. He repeats his proclamation June 28th, and signifies he has dissolved all judicatories, and the magistracy of royal burghs, that they might receive new commissions in the terms of his royal pleasure. He declares he will maintain his former proclamations, and threatens such as act contrary any way to those points.

The next act of council I meet with, is June 14th, "act for a thanksgiving for the birth of the most serene, &c. Prince of Wales, born June 10th, 1688." I have insert it as a note.* I need make no remarks.

Edinburgh, May 15th, 1688, present in council,

The earl of Perth lord high chancellor, the lord archbishop of St Andrews, the lord archbishop of Glasgow, the lord marquis of Athole privy seal, the earl of Linlithgow, the earl of Strathmore, the earl of Lauderdale, the earl of Traquair, the earl of Balcarras, the lord viscount of Tarbet, the master of Balmerino, the lord president of session, the lord advocate, the lord justice-clerk, the lord Castlehill, general-major Graham of Claverhouse, the laird of Niddry.

The above-written proclamation, from his most sacred majesty, being read in his privy council of Scotland, was (in pursuance of his majesty's royal commands) ordered to be published the morrow, at the ordinary time, with all due solemnities. Extracted forth of the records of his majesty's most honourable privy council, by me

WILL. PATERSON, Cl. Secr. Concilii.

God save the king.

• *Act for a thanksgiving, June 14th, 1688.*

Present in council,

The earl of Perth, &c. lord high chancellor, the lord archbishop of St Andrews, the lord duke of Hamilton, the lord marquis of Douglas, the earl of Linlithgow, the earl of Lauderdale, the earl of Airly, the earl of Balcarras, the lord viscount Tarbet, the master of Balmerino, the lord president of session, the lord advocate, the lord justice-clerk, the lord Castlehill, major-general Graham of Claverhouse, the laird of Niddry.

It having pleased the almighty God, by whom kings reign, to bless his sacred majesty, our august and glorious monarch, and in him us, his dutiful and happy subjects, with the birth of the most serene and high-born prince, the prince and steward of Scotland, &c. by his royal consort, our gracious queen Mary: and these glad news being intimated to us, by a most welcome letter under his royal hand, we, in acknowledgment of this great blessing, do, in the

IV.

The plain defects in law, purposely and of design to cover this matter, 1688. as every body now knows, must be supplied with days of thanksgiving. I wonder how the council stumbled upon that expression, that this birth "is fitted to unite all our hearts, and prevent all jealousies," when such a suspicious birth gave the greatest strength to surmises and jealousies, and, I hope, united the hearts of all true protestants, to join heartily in the grand turn of affairs in the end of the year. The day appointed is the 21st of June for the diocese of Edinburgh, and the 28th for all the rest of the kingdom. It was well the tolerated presbyterians were not called to keep this day either.

About the 20th of June, the society people rescued Mr David Houston from a party of soldiers carrying him in prisoner

first place, thank the great king of heaven for so extraordinary a mercy, fitted to unite all our hearts, and prevent all our jealousies; not doubting, but that all his majesty's loyal subjects, will express their solemn and sincere joy, upon so signal an occasion; and that they will put up their ardent prayers to the almighty, to whom they owe this hopeful prince, for prolonging his life, in which they ought to be concerned, as in their chief earthly blessing, next to that of his royal parents, whom God preserve. And for this end, we the lords of his majesty's privy council, do, by his majesty's special warrant, appoint and ordain, that a solemn and public thanksgiving be kept and observed, in all the churches of this his majesty's ancient kingdom, on the respective days after specified, viz. Those in the diocese of Edinburgh, and the three Lothians, on Thursday the 21st day of June instant, and in all the other parish-churches of the kingdom, on the Thursday thereafter, being the 28th of the same month. And we, by warrant foresaid, do accordingly require and command the most reverend and the right reverend, the archbishops and bishops, to take care that intimation be made hereof, by the ministers reading the same from their pulpits, the Lord's day immediately preceding the said days of thanksgiving and solemnity, respective; and that in all the parish-churches within their dioceses, the said thanksgiving be accordingly celebrated; and we require and command the magistrates of all burghs royal, that they cause the said thanksgiving and solemnity be observed with all suitable marks of joy and congratulation, within their respective burghs; and ordain the lyon king at arms, and his brethren, heralds, macers of council, and pursuivants, forthwith to pass to the market-cross of Edinburgh, and make publication of these presents. Extracted forth of the records of privy council, by me.

WILL. PATERSON, Cl. Secr. Concilii.

God save the king.

3 K

to Edinburgh, which produced another proclamation, and no small trouble to the shires of Lanark, Renfrew, Ayr, and Nithsdale, of which I shall give some account from some papers in my hands, and it is the last scuffle of this nature we shall meet with. We heard last year, that Mr Houston was adopted by the societies, and joined with Mr Renwick in preaching to them; and from their records I give the following account of this scuffle. Upon the 7th of June, it was represented to their general meeting at Lochars, that Mr David Houston who preached to them last year with Mr Renwick, and had gone over to Ireland January this year, was apprehended there, and now sent over, or a-coming to Scotland under a guard, to be tried by the sanguinary laws against field-preachers yet in their force, though those against papists were taken off. They fearing he might meet with the same measure as Mr Renwick did, resolved to rescue him by force. Accordingly, about the 20th of June, a good number of them gathered together well armed, and attacked the soldiers at Carbelly-path. I find other papers call it Crichton and Bellow-path, in the shire of Ayr. Mr Houston was rescued, and several of the soldiers killed, and some wounded. Among the country people John M'Gechan in Auchingibbor in Cumnock parish, a singularly pious man, was killed, and some others wounded. It is afterwards remarked in their records, that Mr Houston having discovered his weakness, if not worse, and several representations being given in against him, and some things laid to his charge, being found by the general meeting not to be without ground, that party cast him off, and would have no more to do with him. As soon as the accounts of this rescue came into Edinburgh, the council issued out the proclamation, June 22nd, which I have annexed as a note.* The

* *Proclamation against Mr David Houston, June 22nd, 1688.*

The lords of his majesty's privy council having notice of an attack made upon a party of his majesty's forces who were conveying one Houston, a declared rebel, prisoner to the tolbooth of Edinburgh, by his majesty's special command, in whose march several of the said forces were killed, and others desperately wounded; they

proclamation terms him a declared rebel, though I doubt if ever he formally was declared to be so. And the nobility and gentry of Ayr, Lanark, Renfrew, and Nithsdale shires, are ordered to meet, June 29th, and July 6th, to make all the discoveries they can anent this attempt. The country was brought to no small trouble by these meetings, to find out the authors and actors in that attempt, about which a great noise was made, and it was aggravated beyond truth: and after all the diligence used, as far as I can find, few or none who were actors in that business, were discovered, though in some places the inquisition was very strict.

From original papers before me, I shall give some account of what was done in the shire of Renfrew upon this proclamation, that the reader may see how ready the managers were to run into the courses of the former years, when any opportunity offered. With the proclamation there came a letter from the council, to the convener of the shire, requiring him to acquaint the heritors in terms of the proclamation. As

having therefore thought fit, that full and exact search, inquiry, and trial should be made in the said matter, both as to the actors, abettors, or hounders out of the said desperate rebels, that they may be brought to condign punishment, and for preventing the like villanies in time coming, have directed letters to the sheriffs of Ayr, Lanark, Renfrew, and Nithsdale, or their deputies, to call and convene the nobility, freeholders, heritors, and indulged ministers, to meet and convene the 29th day of June instant, at the head burgh of the said respective shires, and stewartry; as also the sheriff of the shire of Wigton, and steward of the stewartry of Kirkcudbright, or their deputies, to call and convene the nobility, freeholders, heritors, and indulged ministers of the said shire and stewartry, to meet and convene at the head burghs thereof respective, upon the 6th day of July next, do therefore expressly require and command the noblemen, heritors, freeholders, and indulged ministers foresaid, within the said shires and stewartries, to meet and convene at the days and places respective abovementioned, and then and there to give obedience to the said letter, as they will be answerable at their highest peril. And to the end these presents may be made known to all persons concerned therein, the said lords ordain the mace of privy council to pass to the market-cross of Edinburgh, and messengers at arms, to pass to all other places usual, and make publication hereof, that none may pretend ignorance. Extracted forth of the records of privy council, by me,

COL. MACKENZIE. Cl. Secr. Concilii.

God save the King.

cordingly they met at Renfrew June 29th, and appointed a committee, whereof the nobility were supernumerary members, to meet and receive reports July 12th, and agreed to the following interrogatories, which were ordered to be put by every heritor to the inhabitants in his ground; and if any of the heritors desire the advice and concurrence of the minister of the place, he is allowed to take it; and a report of the respective answers is to be made to the committee, with certification, that all absents from the respective examinations, and all heritors who shall neglect to examine shall be delated to the privy council. The queries propounded are as follow; and the reader will observe, that these who form them, go beyond the occasion of their meeting, and the proclamation, and make inquiry into field-conventicles, &c. I shall not doubt, but their instructions from the council led them to this.

QUERIES.

“Every heritor shall inquire of all persons under his charge, whether they know any person or persons that were actors in, or assistant to the late murder of his majesty’s soldiers at Crichton-path; or of any persons, reseters, hounders out, or suppliers of the said murderers; and if any know any thing of those, that they give their advice how they shall be apprehended, and brought to justice. *Item.* They are to return to the sheriff and the committee, an exact account of those persons in their lands, if they own and acknowledge his majesty’s authority and government, and declare themselves willing to live peaceably under it, and if they be willing, according to law, to forbear field-conventicles. *Item.* That the most judicious inhabitants of each burgh, or tenement, or townland, be examined upon the deportment and practice of every individual person in the bounds, in reference to field-conventicles, and bearing arms at such conventicles, or going and returning therewith, and how each of them are inclined, as to the keeping of the public peace.”

Upon the 12th of July, the committee met again at Renfrew, and the heritors gave in their reports from their respective districts; and all the inhabitants of the shire were found

free and regular as to the above particulars, except the absents which 1688. had been sent to the clerk, who had formed them into a roll. Another roll of absents was formed by the committee of such as were at sea, sick, and otherwise employed, of whom no suspicion was entertained, which they agreed not to transmit to the council. The presbyterian ministers in the shire having been ordered to be present appeared, and one of them in name of the rest, did declare to the committee “the loyalty of their principles, their abhorrence of all murdering principles and practices, and that since they had access to the public exercise of their ministry, they had not been wanting in public and private to bear down such principles and practices, and resolve to do the same in time coming; but, as to their sitting and consulting in matters civil, or what relates to blood, they humbly desire to be excused, it being without the line of their station or vocation; and finally, that they knew none who submitted to their ministry, tainted with such principles or practices.” The committee further transmitted the rolls of absents who were suspected persons, with a declaration of their willingness to fall in with what further the council shall think fit to require from the shire, in order to the preservation of the peace of the country. This shire of Renfrew lay at some distance from the place of the attempt. I have not seen any accounts of the procedure in this matter from any of the rest of the shires, Lanark and Ayr shire, which lie near the place of the scuffle; but probably it was much the same with what is above, and the inquisition was very narrow; yet I do not find any persons accessory were discovered.

Upon the 15th of August, another proclamation was published by the council, prohibiting the books named in it, which I have added at the foot of the page.* The

* Proclamation, August 15th, 1688, against books and pamphlets.

JAMES, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to
 of our privy council, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as

1688. occasion of it was the seizing of some copies of the "Hind let Loose," when coming home from Holland. We have had several proclamations of this sort before, and so I shall not spend time in observing upon this; and indeed it is softer than one would have expected, after their seizing of such a book as the last named, wherein the king's right and title is impugned and argued against. It is not without a particular emphasis, that the proclamation declares the books prohibited to have been printed in Holland, now when the noise of the prince of Orange's expedition began to be talked of. The books and pamphlets discharged, are, "All translations of Buchanan de Jure Regni, Lex Rex, Jus Populi, Naphthali, the Cup of Cold Water, the Scots Mist, the Apologetical Declaration, Mene Tekel, the Hind let Loose, the treasonable proclamations issued out at Sanquhar, and those issued out by the late duke of Monmouth, and the late earl of Argyle." The terms upon which they are to be brought in, and other things, the reader hath in the procla-

we being informed, that there are many impious and scandalous books and pamphlets printed in Holland, and elsewhere, inciting our subjects to murder and assassination, as well as rebellion, to the great reproach of the Christian religion, and the ruin of all human society; in which also our government and the actions of our royal predecessors, and our own, are represented as cruel, barbarous, and tyrannical, and all such as have served and obeyed us, are railed at as enemies to God and their native country, notwithstanding of the great care we have always taken to tolerate all different persuasions, and the clemency we have shown in pardoning the greatest criminals, which books are brought home into this kingdom, and vended, and spread here; and we being most desirous, on this, as on all other occasions, to prevent any of our subjects being brought into a snare, we have thought fit hereby to intimate and make known, that if any of our subjects shall hereafter bring home, vend or sell, disperse or lend any of the books underwritten, viz. all translations of Buchanan de Jure Regni, Lex Rex, Jus populi, Naphtali, the cup of Cold Water, the Scots Mist, the Apologetical Relation, Mene Tekel, the Hind let loose, the treasonable proclamations issued out at Sanquhar, and these issued out by the late duke of Monmouth, and the late earl of Argyle, or any other books that are, or shall be hereafter written or printed, defending these treasonable and seditious principles, they shall be liable as if they were authors of the said books; and all other our subjects are hereby commanded to bring in any of the said books they have, and deliver them in to any privy counsellor, sheriff, bailie of regality, or bailiarie, or their deputies, or any magistrates of burghs, to be transmitted

mation itself. I am well informed that this proclamation was put in execution in Edinburgh, by people who in the council's name went through the booksellers' shops, and seized not only these where they found them, but likewise any books written against popery, alleging the selling of these tended to alienate people's minds from his majesty. And I have the following pleasant incident from a very good hand at this time in Edinburgh. Some of the counsellors gave themselves the trouble to visit some of the booksellers' shops, and the advocate used to relax himself this way. Either he, or another of the counsellors came into a shop, where the master was a firm whig, and asked him if he had any prohibited books. The other desired him to search and look for them. After he had looked through and caught nothing, he asked if he had any books against popery. The other answered he had, and a good number of them. The former called for a sight of them; for, said he, that is the religion of his majesty, and his sub-

by them to the clerks of our privy council, to the end the same may be destroyed; with certification, that whoever (except privy counsellors) shall be found to have any of the said books, and not to have delivered them up, shall be fined, for our use, in such a penalty, as our council shall appoint, for each of the said books, that he or they have not delivered up; and appoints the said books and pamphlets to be brought in betwixt and the diets following, viz. These in the town of Edinburgh, and suburbs thereof, betwixt and the first Tuesday of September next to come, and all others within this kingdom, betwixt and the first Tuesday of November next to come. And to the end our royal pleasure in the premises may be made public and known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and whole remanent market-crosses of the head burghs of the shires of this kingdom, and other places needful, and there, in our name and authority, make publication of our royal pleasure in the premises. And recommend to the most reverend the archbishops, and right reverend bishops, to cause read this our royal proclamation, in all the pulpits of this kingdom, upon some convenient Lord's day in the forenoon, immediately after divine service, that none pretend ignorance.

Given under our signet, at Edinburgh, the fifteenth day of August, one thousand six hundred eighty eight years, and of our reign the fourth year

Per actum Dominorum secreti Concilii.

WILL. PATERSON, Cl. Secr. Concilii

God save the King.

jects ought not to be alienated from him upon that score. Upon this the counsellor was directed to the place in the shop where the bibles lay, and the door being cast open he took one of them, and a second, and said to the bookseller, "These are bibles." "They are so," said the other, "and from one end to the other against popery." This was reckoned a high crime; and in the afternoon the master of the shop was cited to appear before the council, and there was brought to some trouble.

I am likewise told, that a design was formed, and secret orders were given to the soldiers to disarm the country, especially the west and south, which was in part done, and good numbers of arms were seized. Some other branches of the procedure of the council, immediately before the revolution, will come in upon the last section.

SECT. II.

Of the taking, trial, and public execution of Mr James Renwick in February this year 1688.

IN the beginning of February this year, Mr Renwick was seized in a private house in Edinburgh, and executed upon the 17th. He was the last who suffered publicly, and he wanted not impressions, his blood would stem the current of blood we have seen running those twenty and eight years. This pious person having been minister to the society people, who endured no small hardships for many years, and separated from the rest of our presbyterian sufferers for conscience' sake since the year 1680, and very little of him being known, and the first rude draught of his life writ by the reverend Mr Alexander Shiels, having come to my hand, I shall from it, and some other original papers under Mr Renwick's own hand, before me, give the reader a few of the most remarkable passages of his life, and a larger account of his sufferings and trial, from the registers and other papers, than I have yet seen. In the entry I take the liberty to observe, as in part I have already hinted, that, had not this good man been overdriven by several of the people he was embarked with, he would not

have run the lengths he went in some things, and had he outlived the revolution, I make no question but he would have come in with Messrs Shiels, Linning, and Boyd, to join with the establishment of this church, and might have been a very useful instrument in it.

Mr James Renwick was born February 15th, 1662, of mean but pious parents, in the parish of Glencairn. His religious disposition appeared very early, and his parents had the hopes of his being publicly useful. His father, who died about the year 1676, declared to some of his friends upon his death-bed, that he was under the thoughts his son would have but a short time in this world, and die publicly in his youth. During his childhood he wanted not temptations and vexations about the foundations of religion, out of which he got with advantage, and came to great establishment, and a settled faith of God's being, attributes, providence, and a future state. He was educated at the college of Edinburgh, and there fell under some reproaches and aspersions, from which the writer of his life fully vindicates him. When he came to receive the degree of master of arts, he refused the oath of allegiance, and publicly objected against the nauseous titles and compliments given to the then duke of York, in the dedication of theses emitted by the class he was in; for this reason he was excluded from a share in the public laureation, but received his degrees privately. When prosecuting his studies at Edinburgh, he fell in with the people who at that time raised objections against the indulgence, and came that length in his scruples upon that head, that he gave over in a little time hearing the indulged ministers. Frequently afterwards he used to signify that he was extremely affected at Mr Cargil's death, July 27th, 1681. And upon the back of this entirely joined himself with that party, who cast off the king's authority, and set up on a lay distinct from the principles and practice of other presbyterians since the reformation. He kept their general and particular meetings, and was not a little useful to that people by his letters, and quick apprehension of things. Mr Renwick, when thus embarked with the society people, was a most violent opposer

of Gibb and his followers, though he
 1688. wanted not aspersions cast upon him as if he had been dipt with them. And when that vile blasphemer had seduced about thirty persons, most part silly women, and was apprehended and extremely favoured by the duke of York, at that time in Scotland, upon all occasions he opposed Gibb, and was very useful to recover not a few from his delusions. In the year 1682, though Mr Renwick joined in proclaiming the Lanark declaration, yet he always acknowledged several expressions in it to be unadvised. A little after this, the societies sent Mr Renwick abroad to the university of Groningen to prosecute his studies; and there, after about half a year's study, he was, April 1683, ordained indefinitely to the ministry with imposition of hands, and at his ordination had the favour done him, that, instead of the Belgic forms, he was allowed to sign the Westminster confession of faith, and catechisms.

September, 1683, he came home to Scotland through a great many hazards and difficulties, and the society people chose him as their minister, and subjected only to him. He was very frequent in preaching and baptizing during the following years, till he was taken; and met with many surprising and singular deliverances from his pursuers, several instances of which lie before me, too long here to be inserted. Towards the end of the year 1684, when the forenamed declaration, against informers and intelligencers, was first proposed to him, he was very much against it, declaring his fears of the sad effects it might have; yet at length was brought into it. It was he who penned the Sanguhar declaration, and proclaimed it May 28th, 1685, with about two hundred of his followers, wherein they deny king James's authority, and renounce all subjection to him. About that same time he refused to join the earl of Argyle and his party, till they would so state their quarrel that he and his followers could join in it. In the years 1686 and 1687, he continued preaching and catechizing such as would subject to him up and down the west and south. He appeared with no small keenness against the liberty granted to presbyterians, and inveighed

against their accepting it from a popish prince. Against this he drew up a paper, and came in to Edinburgh January this year, and gave a double of it to one of the presbyterian ministers in that city, to be communicated to his brethren. It hath been printed under the title of "The testimony of some persecuted presbyterian ministers against toleration," &c. It being common, I need not insert it. From Edinburgh he went over to Fife, where he continued preaching till the last of January, which day he came back and lodged in a friend's house in the Castle-hill, who dealt in English goods; and the custom-house officers were frequently searching it for prohibited goods. Thomas Justice, one of the people who used to look after such things, by some of his spies got notice that a stranger was come to that house that night, and the master of the family being a known follower of Mr Renwick's, it was suspected it might be he; yea, that very night the said Justice, in a company where the discourse happened to fall upon Mr David Houston, and a rumour-a-going that he was seized in England, said, he hoped he should have another of them ere long, and taking up a glass, drank Mr Renwick's health, swearing he hoped to grip him ere seven next morning. Accordingly, February 1st, early in the morning, the waiters attacked the house, pretending they were searching for run goods. Mr Renwick coming out of his room upon some noise, Justice standing at the door, said, "My life for it, this is Mr Renwick; all in this house must go to the guard to see what trade they are of." Mr Renwick, with two of his friends, retired to another door, and opening it, found it guarded by some of Justice's company. One of them essayed to force his way, and was resisted by the waiters; whereupon Mr Renwick drew a pistol, and discharging it without hurting any of them, obliged them to give way, and got out, but when going by them, one of them struck him on the breast with somewhat or other, and bruised him very sore, which marred him in his flight, and the pain of it was the occasion of his fall more than once when running. By this time Justice had raised the cry for assistance to take the dog Renwick

However Mr Renwick got down the Castle-wynd, and even to the head of the Cowgate; but having fallen several times, and lost his hat, he came to be noticed, and being hotly pursued, at last was taken by a profligate fellow. The two others escaped. Mr Renwick was straight carried to the court of guard, where, for a while, he was very much insulted. Graham, the captain of the guard, delivered him up to a committee of the council, who ordered him to be put in the irons. When there alone, he afterward signified to some of his friends, being the first opportunity he had of stated supplication, he betook himself to God in prayer, humbly begging, that the Lord might carry him through his sufferings, cheerfully resigning his life to the Lord, earnestly begging, that enemies might be permitted to do no more but take his life, and not to torture and mangle him. He observed to them, that the Lord was pleased to answer him remarkably enough, several projects this way being disappointed.

Before he received his indictment, he was carried to the viscount of Tarbet's chamber, and there examined very particularly. Two little note-books of his were found upon him when taken, where, in his own hand, were the notes of two sermons he had lately preached at Braid-craigs, wherein he had disclaimed and disproved the king's authority, and had reasoned against the paying of oess, with some other things, and proven, that bearing arms, for the defence of the gospel at field-meetings, was lawful. This I find Mr Renwick giving an account of, in an original letter of his before me, to a friend, dated February 6th. Upon those points he was examined, and very frankly acknowledged the doctrine he had taught, and with much composure and boldness he defended it. In the same letter, he gives an account of his examination upon some other things contained in a pocket-book found upon him, which were only forms of address to some professors abroad, and Robert Hamilton. Those being plain and set down at large, he owned he corresponded with them; and being asked the subject of their correspondence, he answered, he used to give account of his and his hearers' sufferings, and beg their

sympathy. There were moreover some capital letters in the same book, 1688. such as A. S. M. S. J. W. A. W. P. R. P. A. M. M. at G. where a hat was left. The committee were extremely importunate to discover their names. Mr Renwick, knowing they were as obnoxious already as any thing he could say would make them, ingenuously declared they were the names of persons he was to have writ to, Mr Alexander Shiels, Michael Shiels, James and Archibald Wilsons, Peter Raining, and Peter Aird, all of whom were upon their hiding, and out of their reach. He made some difficulty upon the last, till the advocate promised to save her from any trouble upon his account; and then, to escape the torture they threatened him with, he told them it was one Mrs Miller at Glasgow. This ingenuity in him did much soften the rage of his enemies.

After this examination he received his indictment February 3d, and the annexed list of witnesses. The indictment being but short, and the last we are to meet with, I insert it here, and the rather, because it lets us into several particulars omitted in the former account of him.

Mr James Renwick, prisoner, you are indicted and accused, that whereas notwithstanding by the fundamental laws of this kingdom, and constant practick therof, and by the acts of parliament after mentioned, viz. the 129 act parl. 8. Jam. VI. the 151 act of his 15 parl. by the 1 act of his 18 parl. and by act 2. sess. 2. parl. 1. Char. II. and the 2 act of his 3 parl. the kings of Scotland, their heirs and royal successors, are acknowledged to be sovereign monarchs, absolute princes, judges, and governors of this realm; and that none shall decline the king or his authority, under the pain of treason, and that the kings of this realm hold their crown and authority from God almighty only; and therefore the entering into leagues and covenants, rising in arms against the king, or suspending him from the exercise of his government, or putting limitations upon the allegiance and obedience of the subjects, are declared treason: and that upon the death of any king, the royal and sovereign authority is immediately, and *ipso facto*, devolved upon the next lawful successor; and that no objection or pretext whatsoever, can impede or obstruct the same; and the design to obstruct or divert the succession, is declared high treason. Nevertheless it is of verity, that you the said Mr James Renwick, having shaken off all fear of God, and respect and regard to his majesty's authority and laws; and having entered

yourself into the society of some
 1688. rebels of most damnable and pernicious principles, and disloyal practices, you took upon you to be a preacher to those traitors, and became so desperate a villain, that you did openly and frequently preach in the fields, declaiming against the authority and government of our sovereign lord the king, denying that our most gracious sovereign king James VII. is lawful king of those realms, asserting that he was an usurper, and that it was not lawful to pay cess or taxes to his majesty; but that it was lawful and the duty of subjects, to rise in arms, and make war against his majesty and those commissioned by him. For which crimes, you the said Mr James Renwick was declared fugitive and denounced rebel by open proclamation, published at the market-cross of Edinburgh, and printed, bearing the date of the day of year, and the lieges were certiorate thereanent, and required to apprehend you, and there was a fine of a hundred pounds sterling, as a reward and encouragement, promised to such as should apprehend you. And yet ye did still continue in your former desperate obstinacy, keeping conventicles in the fields, and requiring your hearers to provide arms, and come armed to those rendezvouses of rebellion, and particularly upon one or other of the days of September last, you kept a field-conventicle upon the* muir, near Paisley, where were many persons in arms; and upon one or other of the days of November last, and likewise upon the 18th of January last bypast, you did keep two conventicles at Braids-craigs, within two miles of the capital city of this kingdom, where you not only renewed your former treasonable doctrines and positions, but likewise with your hand you wrote down in a book found upon you when you was taken, the heads of those treasonable sermons, with the dates and places where you had preached the same. And being apprehended within the city

* Probably Duchal muir. The people of Lochwinnoch parish and the district contiguous, used to go thither to the celebrated Craigminnan hill, for the purpose of attending conventicles and receiving baptism from their favourite preachers. Renwick frequently preached there. It stands on the boundary between Lochwinnoch and Kilmalcolm parish, but it belongs properly to the latter. The spot which was used for worship, is situated on a beautiful green hill, a little way nearer the Lady-muir than Craigminnan. On this spot there is a great circle, or a *big ring*, as the neighbours used to call it, raised, of earth and some stones mixed with it. Their sentinels watched on the neighbouring hill, Craigminnan. There is a similar spot near this, which is looked on by the neighbours with a holy reverence. This spot is near the Lint-hills where Renwick once preached. A large gray stone marked the sacred spot; but this stone was lately removed for some agricultural improvements.—*Ed.*

of Edinburgh, you did desperately fire upon the officers that did come to take you. And being brought before the lord chancellor and other counsellors, upon the first of February, 1688 years instant, like a desperate irreconcilable traitor, you did openly deny and decline our sovereign lord's authority, and assert that our most gracious king was an usurper, and not lawful king, and owned you had preached the same. Likeas, ye the said Mr James Renwick, being brought to the viscount of Tarbet's lodging, did there, in the presence of the lord chancellor, and several other counsellors, upon the 3d of February instant, avowedly and traitorously declare, that you could not in your conscience acknowledge the king to be your lawful sovereign, and that the lineal succession did not give a right to govern: and that you thought it was not lawful to pay cess to the king, because it was imposed for maintaining of forces to bear down the gospel, and that all persons who made payment of any cess, were involved in that guilt; and adhered to your preaching book, and declared the same to be your own hand-write, and owned you had preached to the people to come in arms to your meetings for defence, in case they met with opposition, and that it was lawful to do so. Wherethrough ye the said Mr James Renwick has committed and is guilty of the crimes of high treason above specified, or one or other of them, and is actor art or part in the same; which being found by an assize, you ought to be punished with forfeiture of life, land, and goods, to the terror and example of others to commit the same hereafter. You are to answer to this indictment upon the 8th day of February, 1688 years.

“JAMES GUTHRIE, pursuivant.”

With this libel a list of forty-five was given him as his assize, to judge upon the probation, out of which fifteen were to be chosen. I have formerly observed, that it was customary in this period to vex presbyterians, who could not actively join in the bloodshed of this time, by putting them upon the assizes of the sufferers, and that both to expose them if they consented, and to bring them into trouble if they refused. Thus I find some worthy persons, some of them very considerable sufferers themselves, put upon Mr Renwick's assize, as Sir John Maxwell of Nether-Pollock, Sir Robert Stuart of Allanbank, Mr Robert, since Sir Robert Blackwood, merchant in Edinburgh, Mr George, after Sir George Hume, Samuel, since Sir Samuel M'Clellan, merchants there, George Mosman, John Armour, merchant in Glasgow, and many

others. None of these would be concerned in the condemnation of this good man. The fifteen who were pitched upon out of the forty-five, were as follows. James Hume of Kimmergame, John Hume of Nine-wells, John Martin clerk to the manufactory, Alexander Martin of Kessilaw, Robert Haliburton merchant, Thomas Lawrie merchant, Archibald Johnston merchant, Thomas Wylie merchant, James Hamilton vintner, William Cockburn merchant, James Hamilton younger, stationer, Robert Currie stationer, John Cunningham merchant in Glasgow, William Somerwel chamberlain of Douglas, Ninian Banantyne of Kaims, chancellor to the assize.

Together with this indictment and those assizers, Mr Renwick received the following list of witnesses signed by the pursuivant.

John archbishop of Glasgow, George viscount of Tarbet, lord Livingstone, Colin earl of Balcarras, earl of Traquair, general major Graham, Sir William Paterson, Mr Colin Mackenzie clerk to the council, Sir Thomas Moncrief of that ilk, Mr William More clerk to the session, Master of Balmerino, George Row, David Gourel, Hugh Ross, merchants in Edinburgh, John Boyle prisoner in the Canongate.

Signed,

JAMES GUTHRIE, Pursuivant.

When Mr Renwick had gotten this indictment, by the favour of the keepers, his mother, Elizabeth Carsan, a singularly religious person, was permitted now and then to see him. With her he conversed in much composure and affection, and frequently declared his great grief to leave his people who had been under his ministry; but added, were it in his choice, he could think upon it without terror, to continue much longer in his conflicts with a body of sin and death he carried about with him; that he adhered to all he had preached. This was upon the sabbath, February 5th. In his letter, February 6th, before referred to, after he hath given an account of God's great goodness to his soul, and desired the persons whose names he decyphered, might be acquainted with what he had done, to save himself from torture, he

concludes, "I desire none may be troubled on my behalf, but rather re- 1688. joice with him, who with hope and joy is waiting for his marriage and coronation hour." At another time his mother asking him how he was; he answered, "Well, but since my last examination I cannot get praying." His mother looking on him with much surprise and concern, he added, "I can hardly get praying, being so much taken up in praising, and ravished with the joy of the Lord." When his mother, who was extremely affectionate, expressed to him her fears of fainting, and running to extremities, saying, "How shall I look to that head and these hands set up upon the ports of Edinburgh? I have so much self, that I will never be able to endure it." He smiling said, "She would never see them there, adding, I have willingly parted with my life, and humbly sought of the Lord to bind them up from going any further; and I am much persuaded, they shall be permitted to go no further." When at liberty, he used to be much troubled with fears about torture, and mangling his body, but now they were entirely removed. Some time after, others of his friends found means to get into him; them he pressed to mind salvation work, and to get their peace made with God, and to be steadfast in the way of truth. When they regretted his being taken away from them, he said, they should rather rejoice that he was to be taken away from the reproaches and calumnies he had lain under, which he hoped his death would wipe away. He further told them at his first appearance, he was once thinking to wave the counsellors' interrogatories, and put them upon probation; but he found his soul filled with darkness upon those thoughts, and resolved to be plain and full in his confession, as he had been in his sermons, and in so doing he had peace.

Upon Wednesday, February 8th, Mr Renwick was brought before the justiciary. After his indictment was read, the advocate restricted it to his denying the king's authority, his preaching the unlawfulness of paying cess, and that he had called his followers to come with arms to the field-meetings. All I find in the registers for probation, is his own signed confession, which I give

from them. It is as follows. "Mr 1688. James Renwick being interrogated, if he owned king James VII. who now reigneth, to be his lawful king: declares, he cannot deny his being *de facto* in the throne, but denies that *de jure* he ought to reign, or that he is lawful sovereign; and that he cannot in conscience obey him as his lawful king. Declares, he thinks it unlawful for subjects to pay cess to the king. Declares, he taught his people that came to his field-meetings, that they should come in arms, and oppose the king's forces, and fight with them in case they came against them.

"JAMES RENWICK."

Thus his case stands in the criminal books. I shall now give a larger account of it from the above-cited account of his life, and other papers before me.

When before the justiciary, he adhered to his former confessions with great composure and sedateness, and the lenity of the court was beyond what had been their use and manner formerly; he did not seek lawyers to plead for him, but the lords permitted him to speak what he had to say, without threatenings and interruptions, even though he gave none of them their titles save the nobility. After the indictment was read, the justice-clerk asked him, if he adhered to all his former confessions, and acknowledged all that was in the libel. He replied, "All except where it is said, 'I have cast off all fear of God,' for it is because I fear to offend God and violate his law, I stand ready to be condemned here." Then he was interrogated, whether he owned authority, and if he owned king James VII. to be his lawful sovereign. He answered, "I own all authority which hath its prescriptions and limitations from the word of God, but cannot own this usurper as lawful king, seeing both by the word of God such a one is incapable to bear rule, and also by the ancient laws of the kingdom, which admit none to the crown of Scotland until he swear to defend the protestant religion, which a man of his profession cannot do." He was urged by the lords, "How could he deny him to be king? was he not the late king's brother?

had the late king any children lawfully begotten? was he not declared successor by act of parliament?" the pannel answered, "He was, no question, king *de facto*, but not *de jure*, that he was brother to the other he knew nothing to the contrary. What children the other had he did not know; but from the word of God, which ought to be the rule of all laws, or from the ancient laws of the kingdom, it could not be shown that he had, or ever could have any right." The next question propounded to him was, "If he owned or had taught it to be unlawful to pay taxes or cess to his majesty." He answered, "As to the present cess, exacted to the present usurper, I hold it unlawful to pay it, both in regard it is oppressive to the subjects for the maintenance of tyranny, and because it is imposed for the suppression of the gospel. Would it have been thought lawful for the Jews in the days of Nebuchadnezzar to have brought every one a coal to augment the flame of the furnace, to devour the three children, if so they had been required of the tyrant? and how can it be lawful, either to oppress people for not bowing to the idols the king sets up, or for their brethren to contribute what may help forward their oppression on that account?" Next he was interrogated, if he owned that he taught his hearers "to come armed to their meetings," and in case of opposition, to resist. He answered, "It were inconsistent with reason and religion to teach otherwise; you yourselves in the like circumstances would do it. I own I taught them to carry arms to defend themselves, and to resist your violences." Further being asked if he owned the note-books taken upon him, with the sermons written therein, and that he had preached them; he answered, "If you have added nothing, the books being in your custody, I will own them, and am ready to seal all the truths contained there with my blood." All his confessions being read over, and he required to sign them, he said, he could not do it, since he took this to be a partial owning of their authority. Some reasonings passed upon this subject; at length he said, "I will sign the paper as my testimony, but I declare it is not in obedience

unto you." The assize were next called upon by five, and sworn. Mr Renwick was asked, if he had any thing to object against them. He objected nothing against any of them, but protested, that none might sit on his assize who professed protestant or presbyterian principles, or an adherence to the covenanted work of reformation. The assize unanimously brought him in guilty; and sentence was given, that he should be executed at the Grassmarket on the Friday following. The earl of Linlithgow, justice-general, asked him if he desired a longer time. He said, it was all one to him, if it was protracted, it was welcome, if shortened, it was welcome, his Master's time was the best time. However, without his knowledge, and after he had openly refused, when the advocate urged him to desire it, he was delayed till the 17th of February.

During this interval Mr Renwick was visited by Bishop Paterson, Doctor Munro, and others of that kidney. Meanwhile, which was not usual after sentence of death, not one of his friends for some time were permitted to see him. The bishop vexed him with his solicitations to save his life, and his queries he proposed to him. "Thought he none could be saved but those of his principles? would he kill himself with his own hand, since he might have his life upon such easy terms?" and others of that nature. Mr Renwick answered, "He never said or thought none could be saved but such as were of his principles; but he was of opinion those were truths upon which he was suffering, which he had not rashly concluded upon, but deliberately, and of a long time had been confirmed in, as what were sufficient grounds to suffer upon." The bishop said, he was sorry to see him so tenacious, and throwing away his life, but wished him well, and took his leave of him. Afterwards he commended him as a youth of parts, and in the council pressed for another reprieve to him, which would have been easily granted if he would have petitioned for it. Yea, such was the bishop's professed kindness and concern in him, that he sent one to him the night before he was executed, desiring to know, if there

was any thing lying in his power to do for him, and he would do it. 1688.

Mr Renwick returned him his thanks for his civility, and desired the messenger to acquaint the bishop, that he knew nothing he could do for him, or that he himself could desire of him. At another time he was visited by one Mr M'Naught, a curate, in his gown and canonical habit. At his coming in, Mr Renwick told him he did not like his coat, it was a bad badge. The other said, he was not come to debate, but wished him well, and discoursed a little upon the toleration, inquiring at the close, what he thought of it, and of the men who accepted of it. Mr Renwick answered, "He was against the thing as not conform to the rule, but as for the men who embraced it, he judged them godly men." The curate, after parting with him, commended him for gravity and ingenuity. The advocate also made him a visit, and very earnestly pressed Mr Renwick to supplicate, and to own the king's authority, and heard him patiently as to his reasons why he could not fall in with his desire. The advocate told him he was very sorry for his death, and that it fell out in the short time he had been in his office, and gave, as the reason of it, the reports that had been industriously spread, that he was a jesuit; and said, the papists were enraged, that any, said to be of their principles, should deny the king's authority, and pushed his execution; and told him it was not in his power to stop it, unless he would own the king's authority. Several popish priests came frequently to him while in prison, and at their coming away were overheard saying, he was a most obstinate heretic. The keepers of the prison used to tell how vexing they were to him, and that he frequently desired them to leave him, so that it became a proverb among them at that time, "Begone, as Mr Renwick uses to say to the priests." All the time he was in prison after his sentence, he was kept so close, that he could get nothing written. He began to write a testimony, but pen and ink were taken from him. Yet he found means that night before he suffered, to send out a short paper, which I take to be that printed in the Cloud of Witnesses.

February 14th, he was again brought

1688. before the council, and they signified to him how much kindness they had shown him in giving him a reprove unsought, and plainly enough insinuated there was yet room of lengthening it out; but he was fully determined not to table any petition to them. At his return he was very cheerful, and a friend asking him how he was, he answered, "Very well, but he hoped to be much better in three days." He told his mother, who was sometimes admitted to him, that the last execution he was witness to, was that of Robert Gray, above spoken of, and it was then borne in on his spirit, that he would see no more of that kind till he were executed himself.—Frequently he owned the necessity of his suffering at that juncture, and that he had firm hopes, that his death would not be without fruit. Very often he praised God for his goodness to him, in making his death and the manner of it so very easy to him. When he was asked what the Lord would do with the remnant he left behind him; he answered, "it would be well with them, for God had said, he would not leave his inheritance."

That morning before his death, February 17, the good man (jailor) of the tolbooth, came to him in his chamber, and told him he might have his life if he would sign the petition he offered to him. Mr Renwick answered him "that sufferers for the truth might indeed require that their prosecutors should not take their life, and remonstrate against them; but he did not think it lawful to petition in his circumstances, since it would be a receding from the truth, and declining a testimony for Christ." Then the keeper desired him not to mention the cause of his death at the place of execution, and to forbear reflections and irritating expressions. He answered, "what God giveth me I will speak, and nothing else, and nothing less;" and begged the favour of him, that his mother and sister might be permitted to come in to him and stay a little with him. The keeper objected, he would perhaps give them papers to carry out. Mr Renwick answered, "he might search them and see, when they left him." They were suffered to come in to him, and he took some meat with them very cheerfully. In his giving

thanks, they minded these expressions very distinctly:—"Lord, now thou hast brought me within two hours of eternity, and this is no matter of terror to me, more than I were going to lie down in a bed of roses, through thy grace. To thy praise I can say, I never had the fear of death since I came within this prison. O! how can I contain, under the thoughts of this, to be within two hours of the crown of glory!" He exhorted them much to prepare for death; for, said he, "in itself it is the king of terrors, though not to me now, as sometimes it was in my hidings. But now let us rejoice and be glad, for the marriage of the Lamb is come, and his wife hath made herself ready. Would ever I have thought that the fear of suffering would ever have been so taken away from me. But what shall I say? it is the doing of the Lord, and it is marvellous in our eyes. I have many times counted the cost of suffering for Christ, but never expected it would have been so easy: who knows the honour and happiness of that? He that confesseth me before men, him will I confess before my heavenly Father." Perceiving his mother weeping, he exhorted her to remember, "that whoever loved any thing better than Christ, was not worthy of him." "If you love me," added he, "rejoice that I am going to my Father, to obtain the enjoyment of what eye hath not seen, nor ear heard, neither hath it entered into the heart of man to conceive." Then he prayed with them, and therein he run out much in praises, "that now he was getting above all conflicts with sin and sorrow, and where there should be no quarrels, or distance from God. He pleaded much in behalf of the suffering remnant, and that the Lord would not leave Scotland, asserting with great confidence of hope, that he was strengthened in the faith of it, that the Lord would be gracious to Scotland." In a little time he heard the drum beating for the guards to take him out to his execution, and rejoiced exceedingly, saying "yonder the welcome warning to my marriage; the Bridegroom is coming, and I am ready, I am ready." Then he took his leave of his mother and sister, entreating them not to be discouraged, for ere all were done, they

would see matter of praise in that day's dispensation.

After the usual manner, he was taken to the laigh council-house, where, after reading his sentence, he was desired to say any thing he had to say, there. He answered, I have nothing to say to you but that which is written, (Jer. xxvi. 14, 15.) "As for me, behold I am in your hand, &c." Then he was told he would not get leave to be heard on the scaffold, for ruffling of drums, and was desired to pray there. This he refused, asking if the drums would be ruffled unless when they thought he spoke bitterly, and made reflections. They answered, they would be ruffled all the time, and urged him to pray, and put a friend, whom they allowed to wait upon him to the scaffold, to request him; but he still refused. Then they warned him to forbear reflections. He told them he would not be limited; he had premeditated nothing, but what the Lord gave him, that he would speak. They offered him any minister he pleased, to be with him; but he only desired the friend they had already granted him. Mr Renwick went very cheerfully to the place of execution, where there was a vast number of spectators. Executions had not been frequent for some time, and his circumstances were singular. Very little of what he said was heard, for the drums beat without intermission till he was put over the ladder. Anything gleaned up here is from the person who waited upon him, with the help of a few others who had placed themselves near the scaffold.— There was a curate standing at the side of the scaffold, who addressed himself to Mr Renwick when he came up, and said, pray for the king, and we will all pray heartily for you. Mr Renwick answered, he did not expect his prayers, and was come hither to bear his testimony against him, and such as he was. The other replied, Pray for the king, whatever you say against us. Mr Renwick answered, I will discourse no more with you, I am shortly to appear before the King of kings, and Lord of lords, who will shortly pour contempt on all the kings of the earth who have not ruled for him. He sang the 103d psalm from the beginning, and read Revelation 19th chapter, and then prayed, commending his soul to the

Lord through the Redeemer, and his cause to be vindicated by him in 1688. his own time. He declared this was the most joyful day he ever saw, and what he longed for, and blessed the Lord for the honour of the crown of martyrdom, an honour, added he, the angels are not capable of. He regretted, he was disturbed in worshipping God, and said, But by and by, I shall be above those clouds, and enjoy, and worship, and glorify thee without interruption or intermission for ever. This is all that is remembered. Prayer being ended, he spake to the people, and what was remembered was to this effect.

"Spectators, or if there be any of you auditors, I must tell you I am come here this day, to lay down my life for adhering to the truths of Christ, for which I am neither afraid nor ashamed to suffer; Nay, I bless the Lord that ever counted me worthy, and enabled me to suffer any thing for him; and I desire to praise his grace, that he hath not only kept me free from the gross pollutions of the time, but also from many ordinary pollutions of children; and for such as I have been stained with he hath washed and cleansed me from them in his own blood. I am this day to lay down my life for these three things. 1st, For disowning the usurpation and tyranny of James duke of York. 2dly, For preaching that it was unlawful to pay cess. 3dly, For teaching that it was lawful for people to carry arms, for defending themselves in their meetings for receiving persecuted gospel ordinances. I think a testimony for these is worth many lives; and if I had ten thousand, I think all little enough to lay down for the same.

"Dear friends, spectators, and if any of you be auditors, I must tell you, I die a presbyterian protestant. I own the word of God as the only rule of faith and manners; I own the Confession of Faith, Larger and Shorter Catechisms, Sum of Saving Knowledge, Directory for Family Worship, Covenants, National and Solemn League, the Acts of the General Assemblies, and all the faithful contendings that have been for the covenanted reformation. I leave my testimony approving preaching in the fields, and the defending the same by arms. I

1688 adjoin my testimony to all those truths, which have been sealed by blood, in scaffolds, fields, and seas, for the cause of Christ." I leave my testimony against popery, prelacy, Erastianism, against all profanity, and every thing contrary to sound doctrine, particularly against all usurpations and encroachments made upon Christ's rights, the Prince of the kings of the earth, who alone must bear the glory of ruling his own kingdom, the church; and particularly against the absolute power, assumed by this usurper, that belongs to no mortal: but is the incommunicable prerogative of Jehovah, and against this toleration flowing from this absolute power." Here he was ordered to despatch; and answered, I have near done. Then added, "Ye that are the people of God, do not weary in maintaining the testimony of the day, in your stations and places; and whatever you do, make sure an interest in Christ, for there is a storm coming, which will try your foundations. Scotland 'must be rid of Scotland before the delivery come.' And you that are strangers to God, break off your sins by repentance, else I will be a sad witness against you in the day of the Lord."

Here they caused him stop, and ordered him to go up the ladder. There he prayed again, and this expression was distinctly heard:—"Lord, I die in the faith that thou wilt not leave Scotland, but that thou wilt make the blood of thy witnesses to be the seed of thy church, and return again and be glorious in this land. Now, Lord, I am ready, the bride, the Lamb's wife, hath made herself ready." When the napkin was tying about his head and face, he said to his friend, who was permitted to be with him, "Farewell, be diligent in duty, make your peace with God, through Christ. There is a great trial coming as to the remnant I leave. I have committed them to God. Tell them from me, not to weary, nor be discouraged in maintaining the testimony. Let them not quit or forego one of those despised truths. Keep your ground, and the Lord will provide you teachers and ministers, and when he comes, he will make all those despised truths glorious upon the earth." When he was turned over the ladder, he had those words

in his mouth:—"Lord, into thy hands I commit my spirit, for thou hast redeemed me, O God of truth." He died in the 26th year of his age.

Thus I have given a pretty large account of this zealous, serious, and pious youth, especially of his sufferings. The writer of his life adds a large vindication of the heads upon which he suffered, in which I observed nothing but what the reader will meet with in the Hind let Loose, upon those subjects. I have observed some things intermixed in the history of Mr Renwick's life, wherein I am sure the worthy writer hath been misinformed, and some other passages, that breathe a little of that keenness one need not be surprised at, in this time of bitter persecution, and when probably the author wrote, just when the loss of Mr Renwick was fresh upon his spirit.* Those, and other particulars, I have omitted, and given as short and distinct an abstract of matter of fact, as I could.

SECT. III.

Of some particular instances of presbyterian ministers, and others their sufferings, not unto death, this year, 1688.

I COME now forward to some few instances of particular persons' sufferings,

* A neat stone monument, (25 feet in height, by 10 at the base,) to the memory of Mr Renwick, has been lately erected, near the village of Minnyhive, Dumfriesshire, and within the limits of the ancient farm of Knoes, at no great distance from the remains of the old farm house where, tradition says, the martyr was born. It stands on an eminence, from which it may be seen at the distance of several miles, down the glen in which the village of Minnyhive is situated, as well as at a considerable distance in other directions. The inscription on the monument is as follows: "In memory of the late Rev. James Renwick, the last who suffered to death for attachment to the covenanted cause of Christ, in Scotland. Born near this spot, 15th February, 1662; and executed at the grass-market, Edinburgh, 17th Feb., 1688. 'The righteous shall be in everlasting remembrance. (Psalm cxli. 6.) Erected by subscription, MDCCCXXVIII.'" The late Jas. Hastings, Esq. gave a donation of the ground. The subscription, amounting to about 100*l.* sterling, was collected at large, from Christians of all denominations; and the gentleman who took the most active part in suggesting, and carrying through, the undertaking, was the Rev. Gavin Rowat, minister of the reformed presbyterian congregation, at Whithorn.

during the former part of this year, with an account of another murder in the fields, and a very singular prosecution of the reverend Mr Gordon minister at Campvere, which is one of the last branches of persecution I have met with. Though a liberty was granted to presbyterians, yet in many places all methods were taken to hinder the benefit of it. I have some instances of this in the town of Dundee, last year and this, where Claverhouse was either provost, or assumed to himself the chief management of that town; and I shall cast them all together, though they fell out at different times.

In the end of last year, or beginning of this, Claverhouse forcibly stopped Mr Alexander Auchmoutie, and kept him from preaching two different sabbaths, upon pretext that his name was not given up to the magistrates, which nevertheless had been done by William Watt, James Mitchel, and Robert Philip. Next Lord's day, when Mr Auchmoutie was preaching, Claverhouse forced five of the townsmen presently to give bond, under the penalty of five thousand merks, to produce Mr Auchmoutie before the privy council; which they did, and were at no small charges by attendance there and otherwise. And after all, he was decerned to preach no more at Dundee, without any reason given, and directly contrary to the proclamation for liberty.

This same year 1688, Mr Alexander Orrock having preached two days at Dundee, Claverhouse resolving to be rid of him, prevailed with two persons, Robert Robertson dyester, and Robert Hamilton bookbinder, who, upon oath before the magistrates, declared, that Mr Orrock had said the king was an idolater. When the depositions were laid before the privy council, by their act he was discharged to preach any more at Dundee. Whereas, if his auditory had been called, they would have with one mouth declared, that Mr Orrock's words were misrepresented, and that his expression was one day in prayer, he begged, "That the Lord would purge the king from heart idols." And we may be assured, had it been otherwise, Mr Orrock would have been discharged to preach any where, and processed too.

The reverend and pious Mr Thomas Cobham, a presbyterian minister, born 1689. in Dundee, came hither in May this year to see his friends, and lodged at a cousin's house in that town. As was his duty, he went about family worship in the family: upon this the noise went through the town, there had been a conventicle in that house; whereupon Mr Cobham and his friend were brought before one of the bailies, James Mein, about eleven of the clock at night, and he was challenged for preaching. He acquainted the bailie, he had, as still he used to do where he was permitted, gone about family worship, and this was all that had been in the matter. Mr Cobham was presently bailed, otherwise he must have gone straight to prison. Next day, May 24th, the four bailies met, and found the information false, and his bond was given up. And Mr Cobham gave up his name to the magistrates, and preached next sabbath. And being to preach on the Lord's day following, on the Saturday's night before, about ten of the clock, he was called before Alexander Arbuthnot, John and James Grahams bailies, and ordered to find bail. Mr Cobham asked them for what. They answered, before he preached any more. He answered, he had given up his name in terms of law, and asked what they had to charge him with, and required witnesses as to any crime they had to stage him for, and he was willing to answer for it: but nothing would satisfy the bailies; they resolved to hinder his preaching tomorrow, and to prison he must go. His friend Mr Smith having come with him to the magistrates, could not contain himself under this illegal procedure; but took the liberty to tell the magistrates, "That Mr Cobham was already judged by them, and nothing could be found against him; and it was his opinion, if a minister had been among the Turks, he would not have been more severely dealt with." For which words John Smith, Mr Cobham's cousin, was sent to bear his friend company in prison. Upon Sabbath they were so closely kept, that no body almost was allowed to see them. The design of hindering Mr Cobham to preach, however illegally, was thus gained, and Mr Smith in a few days

was let out, but the minister was 1688. kept in prison some time. June 19th, bail was offered for him under the penalty of six thousand merks, but the magistrates would not receive it, though they had nothing to charge him with. Upon the 2d of July, the town treasurer and town officers were sent with him to Fife, where Claverhouse had ordered six troopers to receive him, and they guarded him into Edinburgh. There, after some days' imprisonment, he was brought before the council, and when nothing appeared against him, he was liberated. This excellent person came and preached some time in the west at the revolution, and was afterwards settled in Ireland, and continued a good while a useful minister of the gospel there.

Many other accounts might be given, from Dundee and other places, of such who were averse from presbyterian ministers their efforts against preaching and setting up of meeting-houses; and the pretenders to passive obedience, and illimited subjection to the king, when the proclamation for liberty displeased them, did not stick to act openly against the then law. When people hired their barns or other houses for places of worship, they were vexed or harassed upon some pretext or other; and those who would not come to church, were brought to no small trouble. All possible quarrels were picked with presbyterians, and such who favoured the liberty; and freedom in burghs, and other favours, were bestowed upon such who promised not to frequent the meeting-houses. So we may easily conclude, had not the happy revolution followed, this liberty had been soon rendered useless to presbyterians. In short, all occasions were sought against presbyterians, both ministers and others, if in the least they were alleged to fail as to the limitations put upon the liberty by the council. Snares were laid for ministers and preachers, and some of them harassed without the least reason, and their good friends the bishops made their judges. "Instances (says the account written this year, whence I take this) of the hard usage of many for countenancing presbyterians would fill some volumes."

Towards the beginning of this year, Mr

David Williamson, having returned to his old charge of the west kirk parish in Edinburgh, and having a numerous congregation there, was apprehended by a verbal warrant from the chancellor, and kept a fortnight in Edinburgh tolbooth, without ever having a cause given why he was imprisoned. A great sum was offered to bail him, but Perth would hear of no bail, still saying, he had informations against him, which might amount to high treason; and yet never anything in the least censurable was tabled against him. He was tossed up and down for eight days more, and vexed with their interrogatories, and at length permitted to return to his work. To give this excellent person's trouble all together this year; in July a malicious person, Mr John Mushet reader in the west kirk, one of a lax conversation, as was notourly known, accused Mr Williamson before the council, of things he brought no proof for, particularly offensive doctrine, in a sermon alleged to have been levelled against the pretended prince of Wales, and for his not praying for the said supposed prince; but nothing could be made of this. At the same time Mr Mushet gave in an information against Sir Patrick Nisbet of Dean, who countenanced Mr Williamson's ministry, alleging Sir Patrick should have said, he did not value some acts of parliament, and "that the presbyterians had as many Johnstons as the prelates had Jardines." This Mushet impudently gave in to the council; and though informer, yet contrary to law and the ordinary course of justice he was sustained a witness, and the episcopal minister of the west kirk, who indeed was another party, if not principal in the whole, was taken as the other witness; and the gentleman was fined in 300 pounds sterling payable in a few weeks, and failing the precise time of payment, in 500 pounds sterling.

In March this year, I find some country people brought in prisoners, and examined by Sir George Mackenzie advocate, upon their owning the king's authority. They do not own it but with their limitations; and Sir George is much more soft upon them than in former years. June 2d, I find one Thomas Mackenzie examined by the court-

ail, and owns, that he thought himself obliged in conscience to hear the gospel purely preached in houses, or in the fields. The chancellor threatened him with hanging, but I do not find he was tried for his life.

This same month of June, I find that John Reid a trooper, once of Craigie's troop, meeting George Wood a youth of sixteen years of age, who was upon his hiding in the fields under cloud of night, unloaded his piece on him, and killed him outright, without asking one question at him. Reid, when challenged for it, answered, "He knew him to be one of the whigs, and they ought to be shot wherever they were found."

Having run through those instances, I shall shut up this section with some narrative of the trouble the late reverend Mr Charles Gordon, minister at this time of Campvere, and since the revolution minister, first at Dalmenie, then at Ash-kirk, fell under, for his not owning the legitimacy of the pretended prince of Wales. It is a pretty singular case, and I give it from the original narrative, written November this year, by Mr Gordon, communicated to me by his relations, which consists of some sheets of paper; but I shall reduce it within as narrow a compass as I can with any measure of distinctness and clearness. The reverend Mr Gordon's character is so savoury yet in this church, that none will question what he hath left under his hand. Many yet alive know how remarkable and eminent he was for piety and learning: and the general assembly of the church was so much apprized of this, that he was very harmoniously voted to be Professor of Divinity at Aberdeen; but such was his own extremity of modesty, and affection for his people, that he could never actively comply, and died some years ago minister of Ash-kirk, his removal being indeed a general stroke to this church. His great literature, solidity, and gravity made him universally regretted.

Mr Gordon, minister of the Scots congregation at Campvere, had come over to see his friends in the north, August this year, and coming to Edinburgh upon some business, in his return to Campvere in Septem-

ber, the noise of the prince of Orange broke up, and the council toward 1688. the beginning of October emitted a proclamation, "discharging all subjects, on the highest peril, to leave the kingdom, without a license from the council, or one of their number. It was necessary that Mr Gordon should go back to his charge as soon as possible, and therefore knowing nothing could be laid to his charge, and being not in the least obnoxious to suspicion, he applied by a friend to the lord register, as a counsellor, for a pass; who said, the pass being for Holland, it was necessary he should speak to the chancellor anent it, and the other frankly consented he should do so. When the chancellor was spoke to, he made an objection against Mr Gordon's brother, a worthy factor in Holland, some years ago dead, who, he alleged, was none of the king's friends, and desired the register to take a care how he gave Mr Gordon a pass. The register was hearty and kind in the matter, and acquainting Mr Gordon of what passed, promised, within three or four days, again to deal with my lord Perth. Accordingly, October 12th, being put in mind of his promise, he undertook to speak to the chancellor in the forenoon at the council, and ordered Mr Gordon to wait on in the parliament close, which he did; and when attending there met with an odd incident, which deserves a room here, as what may serve to give a *vidimus* of the temper of one of the present prime managers. At the rising of the council, the archbishop of Glasgow comes out in his robes, whom Mr Gordon had never seen before, and knew him not, save that he was a bishop by his garb. It seems, the bishop noticed very narrowly all who did not give him a cap. Mr Gordon was walking at some considerable distance, and took a turn a little further off the way the bishop seemed to be going. It seems, the bishop observed him at a distance, and saw good, after he was gone by Mr Gordon almost at the breadth of the close, to return and come straight to him, and accost him in a very odd manner. When he came up, he asked Mr Gordon rudely, 'What are you, Sir?' Mr Gordon answered, 'Why do you inquire?' Says the bishop, 'Why do you

1688. look with so thrown a countenance ? The other replied, ' My countenance is not thrown, I look as I ordinarily use to do.' The bishop said, ' If your countenance be ordinarily so, it is a very thrown countenance.' Says Mr Gordon, ' Sir, I wonder why you imagine so, for I have the same countenance that God hath given me.' Adds the bishop, ' You should not look uncivilly upon gentlemen.' The other replied, ' You are mistaken; for I use not, as I think, to look uncivilly or unpleasantly upon any man.' Upon this the bishop went off, as indiscreetly as he came up, to the great surprise of Mr Gordon and the spectators. The rencontre was odd, and I set it down at full length, as I find it in the above-mentioned narrative. When Mr Gordon inquired who it was that had thus accosted him, and had got his character, he began to think it was rather his covered head, than his thrown countenance, brought about this strange attack. But to return, when the register came out, he told he had quite forgot his business; but should undoubtedly mind it at three of the clock, when he met with the chancellor in the treasury. Mr Gordon began to fear there might be more difficulty than he apprehended, in his business, and so went up to the castle at two, and got access to the duke of Gordon, who knew his relations in the north, and laid his case before him. The duke was very civil, and promised to speak with the chancellor at three, in the exchequer, and ordered him to put him in mind by a macer. He waited on punctually at the hour, and the duke and the register promised to speak presently to the chancellor. In a little, the duke was pleased to come to the door, and acquaint Mr Gordon, that he had spoken, and the register seconded him, and the chancellor was desirous to speak with him before he granted a pass, and that it was fit he should name an hour, asking him in a friendly way, whether he were content with this. Mr Gordon thanked his grace for his kindness, and said, he was satisfied to wait on the chancellor when he pleased, and doubted not to satisfy his lordship, in any thing he could reasonably demand. The duke went in, and Mr Gordon waited on, to hear the

chancellor's time for a private communing, never once dreaming of a public examination. But, very suddenly, he was called in before the lords of the treasury, by one of the macers, and the chancellor interrogated him as follows; which, with his answers, I set down as I find them in Mr Gordon's narrative. " Chancellor. Mr Gordon, I am informed you are an ill man, and a person of bad principles, and disaffected to the government. Gordon. My lord, if your lordship has been so informed, I must beg liberty to say, that the information is wrong and unjust. Chancellor. I am informed, your business and design in coming to Scotland, is quite another thing than you pretend and give out. Gordon. My business is nothing else than that I pretend and profess; but if your lordship suspect any thing, I am willing to give all the satisfaction I can. Chanc. Do you own the king's authority? Gordon. Yes, my lord. Chanc. Have you preached since you came to the country? Gordon. Yes. Chanc. Did you pray for the king? Gordon. Yes, my lord. Chanc. Do you pray for the royal family? Gordon. Yes. Chanc. Do you pray for the prince of Wales? Gordon. No. Chanc. Why not for the prince of Wales? Gordon. There is no particular order for our praying for him, and I have not used to pray for all the particular branches of the royal family by form. Chanc. It is no limiting of the spirit, to pray for all the branches of the royal family by form. Gordon. My lord, I have not been used to pray by forms. Chanc. Whom do you mean when you pray for the royal family? Gordon. All the princes and princesses of the family. Chanc. Do you not include and intend the prince of Wales? Gordon. My lord, I do not exclude him? Chanc. But do you not include him? Mr Gordon said nothing, and the chancellor went on: There is the matter; Sir, I perceive I have not been mistaken nor misinformed concerning you, what for a man you are.—Gordon. I am sorry if your lordship apprehend ill concerning me. Chanc. Do you not think that the king hath a son, or that the prince of Wales is heir to the crown? Mr Gordon was silent. Chanc. Why do you not answer? do you doubt of such a

thing? Gordon. My lord, I do not meddle in these matters, nor am I a competent judge of them. Chanc. Sir, if you were your father's eldest son, and he had ten chalders of victual by year to bestow upon you, and another should come and take you by the throat, and say, Sir, you are a rogue, you are not such a man's son, and you shall not enjoy his estate, what would you say to that? Gordon. I hope your lordship will not make application of that comparison to any thing I have said. Chanc. Sir, you are the first that ever called the thing in question, and you have said enough to hang a hundred men. But remove you, you shall have the mind and judgment of the rest of the lords. And a macer was called to take Mr Gordon away, and keep him till further order. In about a quarter of an hour he was called in again. Then the chancellor said, Mr Gordon, here is a paper you must subscribe. The tenor of it was, "I, Mr Charles Gordon, minister of the gospel at Campvere, do own and acknowledge the king's son, prince of Scotland and Wales, as apparent heir of the crown and do promise to pray for him as such." When this paper was read, Mr Gordon answered, my lord, I must beg liberty to be excused; I cannot sign this paper in the terms in which it stands, I am willing to declare and subscribe, that I do not deny nor disown the prince of Wales. Chanc. Why do you not then own and acknowledge him? You must subscribe it as it stands. Gordon. That I cannot do, my lord. Then the macer was called to remove him. When going away, the clerk spake to him aside, and desired him to consider, there was nothing in the paper but a declaration that the prince was apparent heir, and that imported no more than, for what we know and appears to us; and when the king, and queen, and court own him as such, then it appears to us. This staggered Mr Gordon a little, till he took up the paper and read it, and considered, that the grammatical sense of the word was not meant, but the forensic and law sense was chiefly to be considered in this case. Then he laid it down again on the table, saying, he could not in conscience sign it. What? says the chancellor, pretend you conscience

in refusing to own the king's son as apparent heir? Gordon. I cannot help 1688.
my weakness; conscience cannot be constrained. Chanc. Whether or not, failing the prince of Wales, would you acknowledge the princess of Orange as apparent heir to the crown? Gordon. Yes, my lord. Chan. And why not the prince of Wales now? Mr Gordon said nothing. Chanc. There he is taken; for there is the matter. Sir, doubt you, or how dare you question the one more than the other? Would you not own my eldest son as my heir? Gordon. Yes, my Lord, I know nothing to the contrary. Chanc. Why not then the king's son? Would you not own the duke of Gordon as heir to Lewis, marquis of Huntley? Gordon. Yea. Then the Duke said, Mr Charles, why do you doubt the prince of Wales to be heir apparent, more than the princess of Orange? you were not witness to the birth of the one more than the other. Gordon. Truly, my lord, for what I know, I never saw her highness. The chancellor vehemently urged Mr Gordon to give his reasons of doubt, and mixed many threats. Mr Gordon still declined, adding, he did not dip into those matters, that he was a plain, ignorant, simple man, and begged his lordship would not take advantage against him, and took all the lords witness he did not deny or disown the prince of Wales. The chancellor said, why then do you not own him? this is such a mortal sin, a crime, that it is enough to damn you. Gordon. I hope there is more mercy with God, than to damn me for ignorance and weakness. Chanc. It is enough to damn you and a thousand with you, for, by your calling this in question, you are guilty of their sin and damnation who follow your example. Gordon. I hope the Lord will preserve me from being guilty of any person's damnation, for, according to my measure, I have endeavoured to keep a conscience void of offence, either to God or man. Chanc. Sir, you are a person neither of good principles nor practice, and you deserve, &c. Gordon. My lord, I am sorry that your lordship hath received ill impressions of me. Then he was removed, and in a little time sent up, under a guard, to the castle. The warrant was directed to the duke of Gordon,

1688. or his depute, and none of them being within, he was kept in the guard, and a private chamber of one of his name, some hours. While there, he had many peaceful and comfortable reflections upon the course and progress of this surprising scene of suffering, which he sets down with much solidity, and at such length, as I cannot give an abstract of them. He regrets that he was called to suffer upon a point that was so much of a civil nature, and would have chosen rather to have his sufferings stated upon a matter of faith, but is fully satisfied, what was carved out to him, was a matter of great importance, even to religion. He had some fears of the consequences of this incident, to his brethren, presbyterian ministers; and one of the counsellors said, if some people had gotten their will of Mr Gordon, in a few days not a presbyterian minister durst have been seen in Scotland: but the chancellor's rashness in starting such questions, was displeasing to all the wiser set of counsellors, who thought such questions most unseasonable and impolitic at this juncture.

When Mr Gordon is in the castle some hours, a friend came up to him from the duke of Gordon and register, desiring him to send down a petition for liberation to the chancellor, and they would use their interest to get him liberate. When Mr Gordon is in a strait what to do, another friend comes up from the advocate, upon the same errand, with a warrant to discourse Mr Gordon in private. The advocate by him signified he was entirely a stranger to Mr Gordon, but was much concerned at what had passed, and had used freedom with the chancellor, for his imprudence, in insisting upon such heads with Mr Gordon, and had ground to assure him, that if he petitioned, he should be liberate. In short, the gentleman assured him, that several of the lords had reasoned the matter so plainly with the chancellor, as he was now repenting what he had done. Mr Gordon returned his thanks for this great kindness, but told, he did not know how to petition, since he could not confess guilt whereof he was not conscious. He was told, that was not expected, and he needed not touch at any thing that passed,

but only seek his liberty; and if any thing had passed that had offended the chancellor, declare he was sorry for it. This appearing safe to Mr Gordon, he wrote the following letter. "Edinburgh castle, October 12th. My lord chancellor, I am here prisoner by your lordship's order, where (saving God's good pleasure) I am loath to stay, detained from my charge; therefore I humbly beg your lordship will set me at liberty, and give me a pass to return to Campvere. If in any thing I be mistaken by, or have offended your lordship, I am sorry for it: for I desire to give no offence to Jew nor Gentile, nor to the church of God. I am,

"My lord,

"Your lordship's most humble servant,

"CHARLES GORDON."

This was sent down to the advocate, who said he liked it well enough, but was afraid the sting in the tail of it might offend. But being told, by one present, it was a scripture expression, and ought not to offend, it was sent forward; and the chancellor sent up a warrant for Mr Gordon's liberation; which, as far as he can remember, was to this purpose. "That whereas it is for his majesty's service that Mr Charles Gordon, prisoner in the castle, be set at liberty for reasons whereof I shall satisfy the council at their first meeting, therefore, &c." in common form. Mr Gordon remarks that if it was for his majesty's interest to liberate him, it had been more for his interest, according to those reasons which, he was of opinion, swayed most with the chancellor, that he had not been imprisoned. When the duke of Gordon came home about twelve at night, the orders and liberation were presented to him. He called Mr Gordon, and spake to him alone, and signified his sorrow for his trouble, and blamed him for signifying his contentment to speak with the chancellor. Mr Gordon answered, he was conscious of his innocency, and never dreamed the chancellor would have publicly examined him, or fallen upon such a subject; and he imagined he was the first that had been examined upon such a subject. The duke said, but your fault was that ye owned the princess of Orange; if you had not owned the one more than the other, you had done

well. Mr Gordon begged liberty to say, that was strange, and he could not but think it unjust, and also imprudent and unwise in the chancellor to set up an inquisition to torture and rack men's minds and hearts for what is only secret and latent there. The duke said, Well, Mr Charles, it is true, &c. And after expressions of regard to his friends, told him he was at liberty. And they parted in good terms. In a day or two, Mr Gordon went to the register, to see if now he might have a pass. His lordship told him, he could not now have it, without tabling the matter before the council, which his friends could not advise him to. And so he got off the best way he could, and came safe to his charge. This original account I thought worth the reader's while, and from it we may guess what our circumstances would have been, had not the glorious revolution intervened; which brings me to end this work with

SECT. IV.

Of some other things which passed this year; with the council's procedure, and other remarkables more immediately preceding the glorious and never-to-be-forgotten revolution, November, 1688.

I AM here to conclude this work, by noticing a few more particulars which escaped me in the former sections, and yet some way relate to this history; and I shall conclude it with some account of the state of things, and the procedure of the managers, before the arrival of the prince of Orange, from the public papers come to my hand, which will conclude the scene of their management since the restoration.

Last year and this, popish schools were very carefully set up at the Abbey of Holyrood-house, and this I cannot but reckon a great hardship upon all good protestants in Scotland, and an evident part of the plot for re-introducing popery. The erection of those was not only an infraction upon the privileges of universities, and protestant schools authorised by law, but flatly contrary to many acts of parliament, not penal and sanguinary in their nature, in favours of our holy religion. Their setting

up in the metropolis of the kingdom, and where there was a college and 1688. other schools where the greatest confluence of nobility and gentry, and the supreme courts of judicatory were, and the youth of the greatest consequence to the nation frequented, was certainly an open insult upon the reformation. The nature and design of those schools, will best appear from the rules printed and published this year, which I have insert as a note.* They are very

* *Rules of the schools at Holyrood-house.*

I. The intention of opening these schools is, to teach youth virtue and learning. They shall be taught gratis, nor shall they be at any further charges or expenses than buying of their own pens, ink, paper, and books.

II. These schools are common to all, of what condition soever, and none shall be excluded, when they shall be thought fit to begin to learn Latin, and write sufficiently well; and in these schools shall be taught Greek and Latin, as also Poetry, Rhetoric, and Philosophy, &c. as they shall rise to higher schools.

III. And although youths of different professions, whether catholics or protestants, come to these schools; yet, in teaching all, there shall be no distinction made, but all shall be taught with equal diligence and care, and every one shall be promoted according to his deserts.

IV. There shall not be, either by masters or scholars, any tampering or meddling to persuade any one from the profession of his own religion, but there shall be all freedom for every one to practise what religion he shall please, and none shall be less esteemed or favoured for being of a different religion from others.

V. None shall upbraid or reproach any one on the account of religion; and when any exercise of religion shall be practised, as hearing mass, catechising, or preaching, or any other, it shall be lawful for any protestant, without any molestation or trouble, to absent himself from such public exercise, if he please.

VI. All shall be taught to keep God's commandments, and therefore none shall be permitted to lie, swear, or curse, or talk uncivil discourse, nor shall fight and quarrel with one another; and he who shall be observed to fail in these duties, shall be punished according to his demerit: and when any one, for these or other faults, shall be adjudged to any chastisement, if he shall refuse to receive such chastisement quietly, or be stubborn, he shall be expelled the schools, and not be re-admitted again, until he shall have given satisfaction for such his fault.

VII. All shall be in their respective schools by a quarter before eight in the morning, and shall there stay until ten and an half; again at a quarter before two, until half an hour after four. And all parents are earnestly desired to send their children timely to school, and not easily to stay them at home, for the neglect of some days may hinder the profit of many weeks and months. And they are to send them decently clad.

VIII. The other hours of the day they shall study at their own homes, and prepare those

number of ships appear upon the 1688. coast, upon North-Berwick-law, Arthur's-seat, the Bass, Saint-Abbs-head and other places; and upon setting up of those, requiring all fencible men to rendezvous. And this to be intimated from all pulpits by the clergy.

Meanwhile in England, September 21st, the king publishes a declaration, that it is his pleasure a parliament shall meet in November, where a universal liberty of conscience is to be established, a confirmation of the several acts of uniformity given, bating some clauses inflicting penalties; and that for the strengthening the protestant religion, he is willing Roman catholics remain incapable of being members of the house of commons, with several other fair promises; but now matters were too far ripened for the revolution, to be altered upon paper declarations. At that same time the king's general pardon is published, indemnifying all offences and malversations, with the ordinary exceptions of rapes, counterfeiting the coin, &c. and all treasons done beyond seas. Several English gentlemen and others are excepted from this indemnity, and particularly colonel Rumsey, Titus Oates, Andrew Fletcher, Robert Fergusson, Gilbert Burnet, and Sir Robert Pyton. This indemnity relating to England I do not insert in the notes.

royal wisdom we shall think fit; hereby likewise requiring and commanding all persons, whether officers or soldiers of the said regiments, to give cheerful obedience to those intrusted by us in this command, and that as they will be answerable at their highest peril, and appoint and command the respective sheriffs and their deputies, to cause prepare beacons, at North-Berwick-law, Gairlinton-hill, Saint-Abbs-head, Coldingham-moor, Arthur's-seat, Dininicker-law, Kellie-law, Largo-law, Easter Lowmont in Fife, and the Bass; upon which places the respective sheriffs are ordered to cause kindle beacons, how soon they see any considerable number of ships appearing on the coasts of this kingdom. And strictly require and command all fencible persons, our lieges in the said bounds, betwixt sixty and sixteen, in their best arms, to repair to the respective places appointed for the rendezvous of the said shires, and that immediately upon their having notice of the firing of the said beacons, or either of them. And likewise hereby requiring all heritors, liferenters and wadsetters, to be ready with their best horses and arms, to attend our host, whenever they shall be required thereto, and that under

September 28th, the king emits a proclamation upon the designed invasion, which I need not either insert. He says, he hath undoubted advice of a great and sudden invasion from Holland, alleges it is for the conquest of those lands; that he had declined foreign succours, and had made good provision against the attempt, and was firmly resolved to live and die in defence of the nation against its enemies: recalls the writs for a new parliament, calls all to defend themselves, and discharges all aid, or correspondence with the invaders, on pain of treason.

Upon the 3d of October, a good many of the English bishops made a representation to the king, which hath been many times published; if he had fallen in with it, it would no doubt have gone far to have settled his tottering crown. But, *quos Jupiter*, &c. He was indeed hardened to his ruin. The heads of it were these; that the king should restore all things to the state in which he found them at his accession, by committing all places of trust to protestants, and redress such grievances as were generally complained of; that the ecclesiastical commission should be dissolved, and his royal promise given never to erect such courts for the future; that not only an effectual stop be made to all dispensations, but that he would call in, and cancel all

the pains and penalties contained in the acts of parliament anent absents from our host. And to the end our royal pleasure in the premises may be made public and known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and whole remanent market-crosses of the head burghs of the shires of this kingdom, and other places needful, and there, in our name and authority, by open proclamation, make publication of our royal pleasure in the premises. And recommend to the most reverend the archbishops, and right reverend bishops, to cause read this our royal proclamation, in all the pulpits of this kingdom, upon the first next Lord's day, in the forenoon, immediately after divine service, that none pretend ignorance.

Given under our signet at Edinburgh the eighteenth day of September, one thousand six hundred and eighty eight years, and of our reign the fourth year.

Per actum Dominorum secreti Concilii.

WILL. PATERSON, Cl. Secr. Concilii.

God save the King.

obtained already from him; that he would restore the universities to their legal state, statutes, and customs, particularly the master of Magdalene college in Cambridge, and the president and fellows in Magdalene college in Oxford, and permit none to enjoy preferments in either university, but such as are qualified by the statutes of the universities, particularly foundations and laws of the land; that he would suppress the schools of the jesuits, opened in the city and elsewhere, and grant no more licenses, for such schools are against law and his own interest; that he would send inhibitions against the four Romish bishops, who, under the title of "Apostolic vicars," do exercise within this kingdom such jurisdictions, as by law are invested in the bishops of the church of England; that no more *quo warranto's* be issued out against corporations, but that he would restore such as have been disturbed in their charters, privileges, grants, and immunities, and condemn all the late illegal regulations; that he would fill up the vacant bishopricks in England and Ireland, with persons qualified by law, especially the see of York; that he act no more by a dispensing power, nor insist upon it, but permit that affair at the first session of parliament, to be fairly stated, debated, and settled by act of parliament; that upon restoration of boroughs and corporations to their rights, writs be issued out for a new parliament, and that he may suffer it to redress grievances, settle matters in church and state, and establish a due liberty of conscience. *Lastly*, and above all, that his majesty would permit some of his bishops to lay such motives and arguments before him, as, through the blessing of God, may bring back his majesty unto the communion of our holy church of England, into whose catholic faith he was baptized, in which he was educated, and to which it was their daily and earnest prayers to almighty God that his majesty might be re-united. The treatment this friendly and seasonable representation met with we may easily guess, and the English historians are full of it. Had not the revolution intervened, it might perhaps have been the subject of an impeachment, and the last clause was enough to choke this

bigotted prince, which was indeed most honest and seasonable now, but ^{1688.} it had been duty and kindness to have proposed it at his accession to the throne.

Our Scots council, October 3d, send up an offer of their lives and fortunes to the king, and seek directions as to their management at this juncture. The king's answer, October 6th, was printed by their order, and it is insert below.* In short, he thanks them for their offer, allows them to secure suspect persons, to levy what forces they see good, and give commissions to the militia regiments. That same day the council emit a proclamation, 'calling out all heritors, to convene with their best horses and men, at the places and days

* *King's answer to the council October, 1688.*

JAMES R.

Right trusty and right well beloved cousin and counsellor, right trusty and right well beloved counsellors, right trusty and entirely beloved cousins and counsellors, right trusty and right well-beloved cousins and counsellors, right trusty and well-beloved cousins and counsellors, right trusty and well-beloved counsellors, and trusty and well-beloved counsellors, we greet you well. In your letter of the 3d of October, we received the satisfactory account of your proceedings there, and the hearty offers of your assistance with your lives and fortunes, against our enemies, for which we return you our hearty thanks, and do renew our assurance to you of our royal favour, and that we shall never be unmindful of the faithfulness and loyalty of that our ancient kingdom, manifested to us on this occasion, when we are so unjustly attacked by foreign enemies; and when it shall please God (which we hope shall be quickly) to give us the victory over our enemies, both you in particular, and our ancient people in general, shall feel the gracious effects of our royal favour. We have thought fit, for our service, and for your peace and quiet, that such, as you have just reason to suspect of ill designs against the peace of our government, may be secured by imprisonment, or otherways, as you shall think fit: and because we have taken our standing forces from that kingdom, and that the levying of men, foot or horse, may be for the well of our service, we leave to you, to raise such as you shall think fit, and to augment our garrisons, as you shall find convenient. And we do hereby authorise and require you to give commissions to such officers of militia, as you shall judge proper, and likewise to appoint officers over the heritors, as you shall judge fit; for doing all which this shall be your warrant, and so we bid you heartily farewell.

Given at our court at Whitehall, the sixth day of October, 1688, and of our reign the fourth year.

By his majesty's command,

MELFORD.

mentioned in the proclamation, which 1688. is added as a note.* The reader will find there some commanders, not very agreeable to the court measures, such as the duke

* *Proclamation calling out heritors, October 3d, 1688.*

JAMES, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, mace-bearers of our privy council, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting. Forasmuch as we being obliged by the vast preparations of the states of Holland, to put this our ancient kingdom in a condition of defence, as well for the securing of our own honour, as the protecting the lives and estates of all our liege people; therefore, we, with the advice of our privy council, do hereby peremptorily require and command the whole heritors, liferenters, and wadsetters, and the factors and chamberlains of such as are minors, out of the kingdom, or otherwise necessarily absent, to convene with their best horses and arms, and to be rendezvoused under the command, and at the respective places and diets aftermentioned, viz. The shire of Nithsdale and stewartry of Annaudale, at the town of Dumfries, the fifteenth of October instant, under the command of the duke of Queensberry; the shire of Wigton, the said day at Dumfries, under the command of the earl of Galloway, and in his absence the laird of Logan; the stewartry of Kircudbright, the said day and place, under the command of the viscount of Kenmuir, or the laird of Lagg; the baillarie of Cunningham, the said day at Glasgow, under the command of the lord Montgomery; the baillaries of Kyle and Carrick, the said day and place, under the command of the earl of Cassils; the shire of Renfrew, at the said town, the twelfth day of October instant, under the command of the earl of Dundonald; the shire of Lanark, the said day and place, under the command of the duke of Hamilton, and in his absence, lord John Hamilton his son; the shire of Dumbarton, the said day and place, under the command of the earl of Glencairn; the shire of Teviotdale, at Edinburgh, the tenth day of October instant, under the command of the earl of Lothian and the lord Newbottle; the shire of Berwick, the said day and place, under the command of Sir Archibald Cockburn, of Langtoun, baronet; the shires of Forest and Peebles, the said day and place, under the command of the laird of Drumelzier; the shire of East-Lothian, the said day and place, under the command of the lord Yester; the shire of Mid-Lothian, the said day and place, under the command of the earl of Lauderdale; the shires of West-Lothian, Stirling, and Clackmannan, at Stirling, the said tenth day instant, under the command of the earl of Mar; the shires of Fife and Kinross, the said day, at the town of Burntisland, under the command of the earl of Balcarras; the western division of Perthshire, at Stirling, the foresaid tenth instant, under the command of David viscount of Stormount; the eastern division of that shire, the foresaid day and place, under the command of the lord Murray; the shire of Forfar, at the burgh of Stirling, the 12th instant, under the command of the earl of Southesk; the shire of Mearns, at

of Hamilton, earl of Cassils, earl of Dundonald, and others. Upon the 9th of October, an act of council is published anent the militia runaways, and providing of horses,

the burgh of Perth, the fifteenth instant, under the command of the lord Keith; Marischal's part of Aberdeen, at Brechin or Forfar, the fifteenth instant, under the command of the earl of Kintore; the rest of the shire of Aberdeen, with the shire of Banff, the said day and place, under the command of the duke of Gordon; all betwixt Spey and Ness, at the burgh of Brechin, the twenty-second instant, under the command of the lord Duffus; the shires of Ross and Caithness, at the burgh of Elgin, the twenty-fourth instant, under the command of the master of Tarbet. And hereby requires and commands the earl of Caithness to levy two hundred foot, out of the shire of Caithness, in place of the militia of the said shire, sufficiently armed and provided with fourteen days' loan, which is to be proportionably laid on by the commissioners of supply of the said shire, upon all persons liable in outcrik of the militia and with these to march to the head of Lochness, betwixt and the twenty-ninth instant. As likewise, requires and commands the lord Down, forthwith to rendezvous the foot-militia, betwixt Spey and Ness, and to make a detachment of the third part thereof, provided with fourteen days' loan, which is to be imposed and proportioned upon those liable, in manner above expressed, and with these to march to Lochness, betwixt and the twenty-ninth instant. As likewise requires the lord Strathnaver to levy two hundred men in place of the militia of Sutherland, and to march forthwith to the head of Lochness, with fourteen days' loan, which is to be laid on and proportioned on the said shire, in manner abovementioned; and this besides and without prejudice to the proportions of men, formerly ordered by our council to be rendezvoused and levied by those of our nobility and gentry, having interest in our Highlands; with certification to such as shall fail herein, they shall be punished as absents from our host, conform to our laws and acts of parliament. And ordains all the said commanders, and all under their respective command, to remain at the respective abovementioned places, till further order from our council. And for the security of all persons concerned in this our service, we do hereby, by virtue of our royal prerogative, discharge all personal execution for any civil cause or debt, against any person, who comes out to our host in obedience to this our royal command, and that during their attending the same: and to the end our pleasure in the premises may be made public and known, our will is, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and whole remanent market-crosses of the head burghs of the shires of this kingdom, and other places needful, and there, in our royal name and authority, make open proclamation of the premises, that all persons concerned may have notice thereof, and give punctual and exact obedience thereto, as they will be answerable at their highest peril.

Given under our signet, at Edinburgh, the third day of October, 1688, and of our reign the fourth year.

God save the King.

which follows as a note.* They regulate several circumstances about the militia

* *Act anent the militia, October 9th, 1698.*

The lords of his majesty's privy council do ordain, that when his majesty's service requires any detachments to be made in the militia for the future, that the respective commanders of the militia regiments, make the said detachments proportionally from the persons liable to outcrik the militia: As likewise, they do ordain, that when any man's arms are taken, and given to another, whom the officers think fitter for the said service, they are to give to the owner of the said arms a note, obliging them to return the same; and that the said militia, and all the detachments thereof, may prove effectual for his majesty's service, the said lords do hereby decern and ordain any runaways or deserters of his majesty's militia, or detachments thereof, to be liable to corporal punishment, according to law; and that the master or any other who shall reset the said deserter or runaway, shall be punished with all rigour, as the said lords of the privy council shall think fit; and that the outcrikers of the said deserter, or deserters, upon intimation by the officer, shall be forthwith obliged to furnish others in their place; with certification, that the said outcrikers shall be liable to the pains and penalties contained in the acts of parliament anent the deficientes of the militia. And to the end that the said deserters or runaways may be known, the respective colonels and other commanders are hereby ordered to cause proclaim the names of such runaways and deserters, at all the church-doors of the shire, that none may pretend ignorance in resetting of them; and for the encouragement of all concerned in the said militia, ordain the pay due to the soldiers, to be given in to the officers, and by them to be paid to the soldiers daily, according to their service and attendance, as they will be answerable. As likewise, the said lords, for preventing any abuses for the future, by pressing of horses for the use of his majesty's forces, or artillery, do require and command, that in all time coming, when horses are needful for his majesty's service, in and about Edinburgh, that the commanding officer give in a note to his majesty's privy council, of the number of horses and furniture needful for the time, and that the said horses be proportionally furnished, viz. the one half by the town of Edinburgh, and the other by the shire of Mid-Lothian; and for that effect, that an order be direct to the provost of Edinburgh, and another to the clerk for the supply of the shire, who is hereby ordered to cast the quota conform to the valuation, and send the several proportions of the respective parishes, to one of the justices of the peace of the said parish, who is hereby forthwith ordered to send the said horses and furniture to the place appointed by the council; and for that effect, the said justices are hereby empowered and authorized to seize horses, and fine or imprison the deficientes; and further to prevent abuses in the furnishing of horses, the magistrates of Edinburgh are hereby peremptorily discharged to take or press any horses from any persons, except from their own inhabitants, and these living in their town and suburbs, and under their jurisdiction. And the lords of council do hereby expressly and peremptorily prohibit and discharge any officers or sol-

arms, threatening runaways and deserters, establish the quota of horses to be furnished, and discharge the seizing of them without a warrant from a counsellor. 1698.

About the middle of October, the heads of the prince of Orange's declaration and manifesto began to be spread. That excellent paper is now in every body's hand, and the substance of it is in short: "William prince of Orange, protector of the protestant religion, and defender of the liberties of England, declares, 'That he and the princess lay no claim to the crown at present; that the design of this expedition is, that the late king's murderers be brought to trial in parliament, that the impostor be sent back to his natural parents, that the succession to the crown be secured by the administration of six peers under the king, whereof the lord Halifax is to be one, that the dispensing power be left to the judgment of the parliament, that the ecclesiastical commission be examined and tried in free parliament, that the church of England, as by law established, be confirmed, and restored to her freedom, that all offenders be brought to their trial, and punished, that liberty of conscience be given to all dissenters but papists, that there be a free parliament, that papists be excluded from all public trust, offices, and employments. And the prince requires that the charge of the present expedition be paid by the king.'"

When every body began to be taken with those proposals so worthy of the prince to make, the king, October 17th, to allay, if possible, the clamours against his adminis-

diers, whether of his majesty's standing forces or militia, to press or seize any horses, upon pretence of his majesty's service, without express warrant from the lord high chancellor, or a privy counsellor at least, as they will be answerable at their highest peril. And the said lords declare, notwithstanding of the speciality foresaid, that this act is to be extended as to the whole shires of the kingdom, and ordain the same to be put in execution accordingly, every manner of way, as is above expressed. And to the end these presents may be made known, ordain the same to be published at the market-cross of Edinburgh by the mace-bearers of council, and by messengers at arms, at the whole other market-crosses of the head burghs of the shires of this kingdom, that none may pretend ignorance. Extracted by me,

COL. MACKENZIE, Cl. Secr. Concilii.

God save the king.

1688. tration, issues a declaration, restoring corporations to their ancient charters, liberties, rights, and franchises, which hath been more than once printed, and I shall only say it was a justice done the nation too late, and every body saw it was what fear brought the king to, and not his own inclinations.

Upon the 3d of November, all our Scots bishops except two, the bishops of Argyle and Caithness, drew and sent up a most flattering letter to the king, which I have insert in a note.* The reading of it is

* *Letter from the Scots bishops to the King, November 3d, 1688.*

May it please your most sacred majesty,

We prostrate ourselves to pay our most devout thanks and adoration to the sovereign Majesty of heaven and earth, for preserving your sacred life and person, so frequently exposed to the greatest hazards, and as often delivered, and you miraculously prospered with glory and victory, in defence of the rights and honour of your majesty's august brother, and of these kingdoms; and that by his merciful goodness, the ragings of the sea, and madness of unreasonable men, have been stilled and calmed, and your majesty, as the darling of heaven, peaceably seated on the thrones of your royal ancestors, whose long, illustrious, and unparalleled line, is the greatest glory of this your ancient kingdom. We pay our most humble gratitude to your majesty, for the repeated assurances of your royal protection to our national church and religion, as the laws have established them, which are very suitable to the gracious countenance, encouragement, and protection, your majesty was pleased to afford to our church and order, whilst we were happy in your presence amongst us. We magnify the divine mercy in blessing your majesty with a son, and us with a prince, whom we pray heaven may bless and preserve to sway your royal sceptres after you, and that he may inherit, with your dominions, the illustrious and heroic virtues of his august and most serene parents. We are amazed to hear of the danger of an invasion from Holland, which excites our prayers for a universal repentance to all orders of men, that God may yet spare his people, preserve your royal person, and prevent the effusion of Christian blood, and to give such success to your majesty's arms, that all who invade your majesty's just and undoubted rights, and disturb or interrupt the peace of your realms, may be disappointed, and clothed with shame, so that on your royal head the crown may still flourish. As by the grace of God we shall preserve in ourselves a firm and unshaken loyalty, so we shall be careful and zealous to promote in all your subjects an intemperate and steadfast allegiance to your majesty, as an essential part of their religion, and of the glory of our holy profession, not doubting but that God in his great mercy, who hath so often preserved and delivered your majesty, will still preserve and deliver you, by giving you the hearts of your subjects, and the necks

enough to expose it to all true protestants; how much does it differ from the seasonable representation given to the king by the English bishops, October 3d! The reason is plain; the last were, generally speaking, heartily against popery, and most part of the former were time-servers, court-flatterers, and ready, for any thing I can observe in their actings, to fall in with popery itself, to please the king, and keep their benefices. This letter indeed breathes forth the true spirit and temper of our Scots prelates since the reformation, save only they want occasion to discover their persecuting spirit, and here run into the other evil of vile flattery and adulation, and in some things border upon blasphemy. What less can one think of their expressions, that the king was "miraculously prospered with glory and victory," that the king, a bigoted papist, was "the darling of heaven," that the line of his ancestors is "the greatest glory of this his ancient kingdom." I shall not spend time on the pedantry of some of the expressions, their satisfaction with his protection to their church, their thanks for his pretended son, their virulence at the revolution, and hopes of its being effectually crushed. This same violent attachment to king James while alive, and a popish pretender since his death, the spirit of enmity against the protestant succession, and virulence against the revolution, and all who are upon that bottom, does to this day make up the character of the Scots episcopal meeting-house party, and in a special manner their clergy.†

of your enemies. So pray we, who in all humility are,

May it please your most sacred majesty,

Your majesty's most humble, most faithful, and most obedient subjects and servants.

Signed by Arch. St Andrews, Jo. Glasgow, Alex. Edinburgen, Jo. Gallovidien, Jo. Dunkelden, Geo. Abredonen, Wil. Moravien, Ja. Rossen, Ja. Brechinien, Ro. Dumblanen, Arch. Sodoren, And. Orcaden, Caithness, Argyle Leamoren.

Edinburgh, Nov. 3d, 1688.

† The above document speaks volumes as to the character of the men who could thus slavishly lavish the meed of their highest eulogiums on such a tyrant and on such a government; and it paints, by a most striking contrast, the obligations our country is under to that intrepid band of holy confessors, who, for so long a period, had

Nov. 15th, the king makes his bishops a return to their letter, which I have added below. * The English bishops had no such

struggled against a system so cruelly despotic. Had the Scottish bishops obtained their will, our beloved land would at this day have been lying prostrate at the feet of absolute power, and popery would have shed its darkest mantle over us. And *these are the men* for whom Mr Skinner, in his "History," and Dr Russel, in his edition of "Keith's Catalogue," would wish to excite the commiseration and the tears of their countrymen! That such men as these Episcopal dignitaries should have been excluded from places and power at the Revolution, was surely most desirable; and yet the deed of exclusion has been held up by these two writers as an act of persecution! Our only regret is, that a *door so wide* was ever opened to the entrance of such men into the Revolution church. To this I am disposed to ascribe most of the evils which soon sprung up in our church; and an accommodating policy has from that period to the present aggravated the mischief.—See Dr Cook's admirable remarks on the letter of the bishops, Hist. vol. iii. p. 436, 437. "What reason had the Scots Presbyterians," asks the able and impartial Mr Neale, "to trust the Episcopal clergy, when it was in their power to do themselves justice? Had they not deceived them out of their discipline in 1662, and persecuted them cruelly ever since? Whoever peruses the dreadful sufferings of the kirk in the reign of Charles II. will judge how far they had reason to replace them in the saddle, and deliver the reins into their hands."—Hist. of the Puritans, v. p. 87, Ed. 1822. He adds: "The tories and high church clergy enjoyed the advantages of the glorious Revolution, while they acted a most ungrateful part towards their deliverer, and a most unkind and ungenerous one to their dissenting brethren," ib. p. 88.—ED.

* *King's answer to the former, Nov. 15th, 1688.*

JAMES R.

Right trusty and right well-beloved counselors, and right trusty and well-beloved, we greet you well. We have received your most dutiful letter, of the third day of November, in which we are glad to see, that you are far from being of the number of those spiritual lords, whom the prince of Orange pretends to have been invited by; as we have likewise had repeated assurances from all the bishops of England, of their innocency in that, and duty to us: we have now thought fit by this to tell you, how sensible we are of your zeal for our service, and for the dutiful expressions of your loyalty to us, in a time when all arts are used to seduce our subjects from their duty to us. We do likewise take notice of your diligence in your duty, by your inculcating to those under your charge, these principles which have always been owned, taught, and published, by that Protestant, loyal church you are truly members of: we do assure you of our royal protection to you, your religion, church, and clergy, and that we will be careful of your concerns, whenever there shall be a suitable occasion offered to us; you, and every one of you, being most perfectly in our royal protec-

complaisant treatment after their representation, though they discover a ^{1688.} quite other taste of liberty and property, and concern for the reformation than the Scots prelates do. I cannot but a little question those repeated assurances the king tells our prelates he had from all the bishops of England, of their not inviting over the prince of Orange. The prince says otherwise, and I believe their invitation is yet to be seen.

That glorious deliverer of those lands from popery and slavery, and qualified instrument in the hand of Providence in the great work now on the wheel for those three kingdoms, and all the protestant interest, arrived safe in England, November 4th. Had our Scots bishops known what was to be to-morrow, perhaps less would have served them in their letter to the king. Bishop Burnet, in his preface printed before his Essay for a new Book of Homilies, gives the best account of the share which Providence, special Providence, had in this voyage, and that ought to affect us most. He observes, that if the wind had not changed five or six different times, and at the very nick of time it did alter, this expedition had well-nigh been ruined. It was indeed every way the doing of the Lord.

Upon this the king writes a letter to our Scots council, November 5th, who publish a proclamation November 10th, against spreading of false news, &c. which I have insert below. † The design of it was to stop

tion and favour. And so we bid you heartily farewell.

Given at our court at Whitehall, the fifteenth day of November, 1688, and of our reign the fourth year.

By his majesty's special command,
MELFORD.

† *Proclamation, Nov. 10th, 1688, against spreaders of false news.*

Present in council,

The earl of Perth lord high chancellor, his grace the lord archbishop of St Andrews, his grace the lord archbishop of Glasgow, the marquis of Athole lord privy seal, his grace the duke of Gordon, the earl of Errol, the earl of Mar, the earl of Cassila, the earl of Linlithgow lord justice-general, the earl of Dunfermline, the earl of Strathmore, the earl of Southesk, the earl of Traquair, the earl of Balcarras, the earl of Braidalbin, the lord viscount of Tarbet clerk of register, the lord Strathnaver, the lord Maitland trea-

1588. the spreading of the prince's and state's declarations; but little notice was taken of it, and people were but the more fond to see those excellent papers.

I should much wrong the reader, if I did not upon this occasion give the prince of Orange's declaration for Scotland, which, as it is a good voucher for many things in this history, so it contains a summary of the hardships and most illegal procedure in the former years, and so I insert it here.

The declaration of his Highness William Henry, by the grace of God, Prince of Orange, &c. of the reasons inducing him to appear in arms for preserving of the Protestant religion, and for restoring the laws and the liberties of the ancient Kingdom of Scotland.

"It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved, where the laws, liberties, and customs established by the lawful authority in it, are openly transgressed and an-

surer-depute, the lord Duffus, the lord Kin- naird, the master of Balmerino, Sir George Lockhart lord president of the session, the lord advocate, the lord justice-clerk, the lord Castlehill, lieutenant-general Monro, the laird of Niddry.

Whereas, we have seen a proclamation issued out in name of his most sacred majesty, declaring, that the prince of Orange and his adherents have designed to invade his majesty's kingdoms; and that now his majesty hath signified by his royal letter, of the date, at Whitehall, the fifth day of November instant, that they are landing in England, and in order thereto, have contrived and framed several treasonable papers and declarations, hoping thereby to seduce and corrupt his majesty's subjects, and that several persons are employed to disperse the same: and since such methods may be taken to corrupt his majesty's subjects, in this his ancient kingdom; therefore we, the lords of his majesty's privy council, in his royal name, and by his authority, have thought it necessary to admonish all his majesty's subjects within this kingdom, of what degree or quality soever, that they do not publish, disperse, repeat, or hand about the said treasonable papers or declarations, or any of them, or any other paper or papers of such like nature, and particularly a declaration in the prince of Orange's name, and another in the name of the states general, nor presume to read, receive, conceal, or keep the said treasonable papers or declarations, or any of them, or any other paper or papers to that purport, or to disperse any false news, tending to the amusing his majesty's subjects, or to the disturbance of the peace of the kingdom, without discovering and revealing the same, as speedily as may be, to some of the privy council, or to some other judges, justices of the peace, or magistrates, upon peril of being prosecuted according to the utmost severity of law. Extracted forth of the records of privy council by me,

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nulled, more especially where the alteration of religion is endeavoured, and that a religion which is contrary to law is endeavoured to be introduced; upon which those who are most immediately concerned in it, are indispensably bound to endeavour to preserve and maintain the established laws, liberties, and customs, and, above all, the religion and worship of God, that is established among them; and to take such an effectual care, that the inhabitants of the said state or kingdom may neither be deprived of their religion, nor of their civil rights; which is so much the more necessary, because the greatness and security, both of kings' royal families, and of all such as are in authority, as well as the happiness of their subjects and people, depend in a most special manner upon the exact observation and maintenance of those their laws, liberties, and customs. Upon these grounds it is that we cannot any longer forbear to declare, that to our great regret we see, that those counsellors, who have now the chief credit with the king, have overturned the religion, laws, and liberties of those realms, and subjected them in all things relating to their consciences, liberties, and properties, to arbitrary government, and that not only by secret and indirect ways, but in an open and undisguised manner.— And indeed the lamentable effects of an arbitrary power, and of evil counsels, are so manifest in the deplorable state of the kingdom of Scotland, that both our reason and conscience do prompt us to an abhorrence of them: for when we consider the sad condition that nation, though always affectionate to the royal family, and governed for many ages by laws made by the authority of their kings, and of the estates of parliament, and by common customs, is reduced to, by endeavours that have been used to change the constitution of the monarchy regulated by laws, into a despotic or arbitrary power, which doth evidently appear, not only by the actings of evil counsellors in power, but by the deliberate and express public declarations, bearing that the king is an absolute monarch, to whom obedience ought to be given in all things without reserve, thereby to make way to introduce what religion they please, without so much as the necessity of the consent of the nation by their estates in parliament. Whilst we consider and ponder these things, as we cannot but be touched with a tender sense of those miseries, so the giving such a remedy to them as may be proper, and may answer the expectation of all good men and true Protestants, is the great thing we propose to ourselves in this undertaking; the equity whereof will be justified to the world, if what hath been acted at the instigation of those evil counsellors be further impartially weighed.

"It is well known, that the laws, privileges, and rights of the kingdom, have been overturn-

ed to the great prejudice of king and people, whilst thus all foundation of trust and confidence is removed : and it is no less known what have been the arbitrary procedures of an encroaching privy council ; for although by the laws enacted by the authority of king and parliament, it is expressly prohibited, that the popish religion should be professed, or seminary priests suffered within the kingdom, or that the children of any noblemen or gentlemen should be sent abroad to be educated in popish colleges ; yet have these evil counsellors ordered, or suffered, young noblemen, to be taken from their relations, and to be sent abroad to be instructed in Jesuits' colleges, and have likewise caused schools to be erected under the conduct of popish priests, and that in the capital city of the kingdom.

“ In an open contempt also of the known laws of the kingdom, papists are put into places of highest trust, both civil and military, and intrusted with all the forts and magazines. The rights and privileges of the royal boroughs, the third estate of parliament, having as many deputies in it as all the shires of the kingdom, are taken away, and they hindered in the free election of their magistrates and town councils, to the manifest violation of their charters established by law and immemorial possession. And all this is done by mere arbitrary power, without any citation, trial, or sentence.

“ And whereas, no nation whatsoever, can subsist without the administration of good and impartial justice, upon which men's lives and liberties, their honours and estate, depend, yet those evil counsellors have subjected these to an arbitrary and despotic power, having turned out judges, who by law ought to continue during their life or their good behaviour, because they would not conform themselves to their intentions, and put others in their places, who, they believe, would be more compliant, and that without any regard to their abilities : by which it evidently appears, that those evil counsellors design to render themselves the absolute masters of the lives, honours, and estates of the subjects, without being restrained by any rule or law.

“ By the influence of the same evil counsellors, hath a most exorbitant power been exercised, in imposing bonds and oaths on whole shires, without any law or act of parliament, in permitting free quarters to the soldiers, although they had a sufficient establishment for their pay, whereby the kingdom was doubly burdened without any redress, in imprisoning gentlemen without any, so much as alleged reason, forcing many to accuse and witness against themselves, imposing arbitrary fines, frightening and harassing many parts of the country with intercommuning and justice-aids, making some incur forfeiture of life and fortune, for the most general and harmless converse, even with their nearest relations out-

lawed : and thus bringing a consternation upon a great part of the kingdom, which, 1688. when outlawries and intercommunings went out against multitudes, upon the slenderest pretexts, was involved so universally in that danger, that those counsellors themselves were so obnoxious, as to find it necessary to have pardons and indemnities, whilst the poor people were left to mercy ; empowering officers and soldiers to act, upon the subjects living in quiet and full peace, the greatest barbarities, in destroying them by hanging, shooting, and drowning them, without any form of law, or respect to age or sex, not giving some of them time to pray to God for mercy ; and this for no other reason, but because they would not answer, or satisfy them in such questions as they proposed to them, without any warrant of law, and against the common interest of mankind, which frees all men from being obliged to discover their secret thoughts ; besides a great many other violences and oppressions, to which that poor nation hath been exposed without any hope of having an end put to them, or to have relief from them. And that the arbitrary and illegal proceedings of those evil counsellors might be justified and supported, such a declaration hath been procured by them, as strikes at the root of the government, and overturns the most sacred rights of it, in making all parliaments unnecessary, and taking away all defences of religion, liberty, and property, by an assumed and asserted absolute power, to which obedience is required without reserve ; which every good Christian is persuaded to be due to God Almighty alone, all whose commandments are always just and good.

“ These evil counsellors have used their utmost endeavours to abolish penal laws, excluding all who are not Protestants from public trust, which give too great a check to their designs. For the accomplishing of this, a liberty hath been granted to dissenters, but such a one, as that the continuance thereof is plainly insinuated to depend upon their hearty concurrence for abolishing the above mentioned penal laws, the only legal defence of their religion ; although the dissenters have just cause of distrust, when they call to mind how some hundreds of their ministers were driven out of their churches, without either accusation or citation : the filling of many of whose places with ignorant and scandalous persons, hath been one great occasion of all those miseries which that country for a long time hath groaned under. And dissenters have but small ground to rest on any present ease, founded upon a proclamation which may be recalled every hour, and which in the first and second editions of it gave no relief to them, especially considering that not many months before, the greatest of the forementioned severities and barbarities had been exercised upon them.

1688. "But to crown all, there are great and violent presumptions inducing us to believe, that those evil counsellors, in order to the carrying on of their ill designs, and to the gaining to themselves the more time for the effecting of them, for the encouraging of their accomplices, and for the discouraging of all good subjects, have published that the queen hath brought forth a son; though there have appeared, both during the queen's pretended bigness, and in the manner in which the birth was managed, so many just and visible grounds of suspicion, that not only we ourselves, but all the good subjects of those kingdoms, do vehemently suspect, that the pretended prince of Wales was not born by the queen. And it is notoriously known to all the world, that many both doubted of the queen's bigness, and of the birth of the child, and yet there was not one thing done to satisfy them, or put an end to their doubts.

"And since our dearest and most entirely beloved consort, the princess, and likewise we ourselves, have so great an interest in this matter, and such a right, as all the world knows, to the succession of these kingdoms, which those men have attempted to violate, for preventing of all redress of miseries, by the lawful successors of the crown, educated, by the good providence of God, in the true profession of the Protestant religion, we cannot excuse ourselves from espousing the true interest of these nations in matters of such high consequence, and from contributing all that lies in us, for the defence of the laws and liberties thereof, the maintaining of the Protestant religion in them, and the securing of the people in the enjoyment of all their just rights. But that our intentions may be so manifest, that no person may doubt or pretend to doubt thereof, to excuse themselves from concurring with us in this just design, for the universal good of the nation, we do declare, that the freeing of that kingdom from all hazard of popery and arbitrary power for the future, and the delivering it from what at the present doth expose it to both, the settling of it by parliament, upon such a solid basis as to its religious and civil concerns, as may most effectually redress all the above mentioned grievances, are the true reasons of our present undertakings as to that nation. And therefore we persuade ourselves, that our endeavours to give the best assistance we can, for the relief of so distressed a kingdom, shall not only not be misconstrued, but shall also be accompanied with a cheerful and universal concurrence of the whole nation, that even those who have been instruments for the enslaving of it, will now show their dislike of what they have done, by their timely and reasonable diligence for its rescue; and that if any shall not give us that assistance which their conscience to God, and their respect to their country oblige them to, they shall be

justly charged with all the evils that may be the effects of such a want of their duty. And as we ourselves desire to trust to the almighty God alone for the success of our arms, so we expect of all good men, that they will apply themselves most earnestly to him for his blessing upon our endeavours, that so they may tend to the glory of his great name, to the establishment of the reformed churches, and to the peace and happiness of that kingdom.

"Given under our hand and seal, at our court in the Hague, the 10th of October, in the year of our Lord, 1688.

"WILLIAM HENRY, Prince of Orange.

"By his highness's special command,

"C. HUYGENS."

This declaration had a very great influence on the most part of the nobility, gentry, and commons in Scotland, who very soon discovered themselves heartily for the prince, and joyfully accepted of the freedom he offered them from their horrid oppressions in their civil and religious interests.

After this, very little offers as to the procedure of our Scots managers: their correspondence with the court was much stopped, whence they had all their courage; the body of the nation hated them, and their consciences, awakened by this surprising providence of the prince's arrival, smote them, and they began to consider how to provide best for their own safety; and the hearty Protestants through the kingdom began to take heart.

In several places the prince of Orange's declaration was publicly proclaimed, as at Glasgow, Irvine, Ayr, and most other burghs. Upon the last day of November, the earl of Loudon, and several young gentlemen, at that time students in the university of Glasgow, burned the pope's effigies, and the archbishops of St Andrews and Glasgow, without any opposition; and the (since) famous Mr Tolland, at this time a student there, assisted at that solemnity.

But upon the 10th of December there was an appearance against popery, which met with some opposition, and made much noise at Edinburgh, and that was the attempt made upon the abbey of Holyrood house, where the popish chapel was, and the Jesuits' schools were kept. And I shall give as distinct an account of it as I can, from a narrative sent me by a reverend

minister since the revolution, then a student at Edinburgh, who was engaged in the attack and wounded very sore, and some letters writ at this time. Some time before this there had been some tumults in Edinburgh, particularly one at the dismissing of a popish meeting in the Canongate upon the Lord's day, where some apprentices and others put some affronts upon them. Information being given, upon Monday some soldiers were ordered to apprehend those informed against; and two servants of the Baxters, with a woman, were taken up, who were mercilessly scourged from the tolbooth to the abbey, being guarded with near three hundred men, and then returned to prison, and banished. At this scuffle fell in an incident which grew deeper, and is a flagrant instance of what the managers would have done, had they not soon been prevented. When the soldiers were apprehending the last named, there was a struggle made by the rest of the apprentices: at the noise, one Alexander Keith, a fencing master, and no way concerned in the mob, came out of a house where he was at his morning drink, and seeing the soldiers raging with their swords and bayonets among the unarmed lads, cried out, "Lads, have ye no swords?" This passed at the time, and he went off. But the following night he was apprehended while in bed; and those, or words to that purpose, being proven on him, in eight or ten days he was hanged at the cross.

This step and other things soured people's spirits, and guards were kept in twenty or thirty places of the town, to prevent risings. But when the regular forces were called up to England, and none left but an independent company under Captain Wallace, at the Abbey, the reports of massacres and the like were spread, and people extremely alarmed, and letters were talked of to some people in town, to remove with their families; otherwise they would have cause to repent it.

Many circumstances concurred to inflame people's minds formerly enraged. Upon Sabbath, December 9th, some idle people walking in the Park and St Anthony's Yards, seeking to come through the Abbey as their nearest road, found all the gates shut,

and cannons placed at every gate, and were discharged by the sentinels 1688. to come near. This, with the addition that the court was full of armed men, when reported in the town, heightened the jealousies of the populace, and the fears of more thinking persons, that evil was designed. And in the evening a few young lads accidentally got together, after some conversation upon the present danger, began to huzza, and there was soon a vast gathering of students at the college, and apprentices. The magistrates caused shut all the ports, and the keys were brought to the provost, *magnus prince*, his house at the foot of Libberton's wynd, and the rest of the magistrates absconded. The youths gathered about his lodgings, which were inaccessible, calling for the keys, and upon his refusal, threatened to burn his house, but did no hurt. From thence they came to the cross, and having forced up the door with fore-hammers, they proclaimed an offer of four hundred pounds sterling to any who should bring Perth or Melford dead or alive. No more happened this night.

Next day in the forenoon, the town council met, and emitted a proclamation "discharging tumults, and ordering parents and masters to keep their servants and children within doors." This proclamation was torn as soon as it was read, and the officers and drummer stopped when going through the town. This day the chancellor and his family saw good to retire from the Abbey, and go out of town. Matters continued quiet till twilight, and then a multitude began to gather at the head of the Cowgate, and after they had provided themselves in staves and torches, they came up the Bow, where they knew of two drums, and seized them; one of them soon broke, and with the other, their numbers still increasing, they went down the town to the Netherbow. In the Canongate they stopped a little, seeing the guard drawing out, and upon sending to inquire what the matter was, they found the captain friendly, and that he only drew out his men to put respect upon them. They desired he should call them in; which was presently done, and they went forward. At the Canongate cross they took down the earl of Perth's

picture, and carried it with them to 1688. the abbey. There captain Wallace was advanced with some soldiers beyond the strand. Whereupon they stopped, and sent to demand access to the court; which he refusing, they beat their drum, and with a cry run in upon him. He ordered his men to fire, which did abundance of hurt; severals were killed upon the spot, and many wounded, to the number of 36 or 38, whereof not a few died afterward. After the fire, the apprentices and youths fell in upon the captain with great fury, forced him and his men off the street, and killed two of them outright before they could enter the Abbey gate; that being presently shut, they could get no further in the pursuit. Upon this they retired a little, and ordered some of their number to carry off the dead, and to help up the wounded to the town, and require assistance; and then lodged themselves in houses and closes the best way they could. Meanwhile captain Wallace and his men continued, from this time about nine at night till eleven, firing up the street. Those who went up to the town, carried up with them some of the arms and hands of the dead and maimed, and hearing of a number of gentlemen and others in a vintner's, went to them, and showed how they had been treated. The gentlemen applied to the town council, then sitting, for assistance; which they refused, and the commissioners from the apprentices and others threatened to burn the town. The gentlemen went and got a quorum of the privy council, who ordered the magistrates to raise the trained bands, and sent down two heralds with them in their coats displayed, before them, to require captain Wallace to surrender; and the trained bands were ordered to force him, if he did not. When the heralds came down, they summoned captain Wallace to surrender the Abbey in the council's name; this he refused. Then the town-guards, and trained bands, commanded by captains M'Gill and Graham, came up, and some firing was on both sides, without any great hurt, but some slight wounds. The captain would have defended the Abbey against them all, having a vast advantage of the ground: but captain Graham, with a part of his men,

broke in by a back entry not so well guarded, which the party in the Abbey observing, fled, and about thirty-six were taken prisoners, but Wallace and a good many escaped. The youths observing this, broke into the court, and killed all the soldiers they met with. It was said, about fourteen soldiers were killed. Whether they got liberty, as some of my accounts say, from the town captains, I know not, but they fell presently to rife the chapel and schools, and brought the timber work, and library, with every thing that came in their way, to the close, and burnt them. It was some time before they could fall upon the images, to destroy which was their end in making the attack. At length they found them in an oven, with an old press set before it to cover its mouth. Those they took out, and carried them up to the town in procession through the streets, and back again to the Abbey close, and there burned them. They entered the church, rased the new work there, and turned up the marble pavement, and rifled the chancellor's lodgings, and some others in the Abbey; but none of the youths and apprentices laid their hand on any thing to carry it off, but all was burned.

Next day they gathered again, there being no power to restrain them, and went through the houses of all papists they could hear of in the Canongate and town, and required their books, beads, crosses, and images, which they burned solemnly in the street. Where the people were civil, they took what they gave upon their word, and if rude, they effectually searched their house. Some took occasion to mix in for pillage, but the youths took all to the flames. James Clerk's lodging in the Wrights-houses, and the laird of Niddry's house, and Blair Drummond's house, with many others, were attacked. No persons were touched, but some papists in a fright leaping out of windows, were hurt.*

* "Improper as were these excesses, how light were they when put in the balance against the enormities which, under prelacy, had been perpetrated; for no personal violence, no tortures, no murders, disgraced a sect which had been borne down with every species of outrage. Here incidental ebullitions of popular sentiment had no connexion with the general arrangements

Upon the day following, a rabble of common thieves got up, and pillaged several houses merely for plunder; but that was soon over, and all things turned easy and quiet. December 14th, the council met, and published their act anent papists, which is added at the foot of the page.* The reader will observe a vast change now. King James had withdrawn about this time, and the administration was just a-putting in king William's hands, and now the style of the council alters. They order papists' houses to be searched regularly for arms and ammunition, and recommend it to all magistrates to protect the houses and persons of papists from tumults and insults; which was highly just and reasonable.

The last act of this council I have met with, is December 24th, wherein they require all protestant subjects to put themselves in defence, for securing their religion, lives, liberties, and properties, for their own security, against the attempts of papists; and heritors are called to meet, well provided, at the head burgh of the shire, under the command of the persons nomi-

of the Presbyterians, who prudently considered what steps should be taken to regain their influence, and to carry on, with the accession of the new sovereign, the settlement of their church." Cook, vol. iii. 488-9. He adds in a note, "Mr Skinner speaks with great indignation of the desolating progress of the Cameronians; but he had not considered their dreadful sufferings, or those of the whole Presbyterians, as worthy of being recorded in his work."—ED.

* Proclamation, Dec. 4th, 1688, anent papists.

The lords of his majesty's privy council, for preventing jealousies and fears in this kingdom, and for the security of the kingdom, do hereby ordain sheriffs, bailies, lords of regality, and magistrates of burghs, to search the houses of papists within their jurisdictions, and to seize and secure all arms and ammunition that shall be found therein, except such as they, or any of them, according to their quality, use to wear for themselves, and their necessary servants: and all just jealousies being thus removed against them, the lords of his majesty's privy council, do hereby recommend to all the said officers of the law, to protect the persons and houses of the said papists, against all public tumults, and private insults, by preventing and punishing the same, as they shall see occasion. And ordain these presents to be published at the market-cross of Edinburgh, and whole other market-crosses of this kingdom, that none pretend ignorance. Extracted forth of the records of privy council, by me,

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note in the proclamation, which is annexed as a note.† Thus our Scots 1688.

† Proclamation, Dec. 24th, 1688, calling forth the heritors.

The lords of his majesty's privy council, considering the great fears and jealousies of the kingdom, from the apprehensions his majesty's lieges generally have, of the papists being in arms in Galloway and other places, and the suspicions there may be of the Irish, and other papists from England and Ireland, in this dangerous conjuncture, their joining with them, to the manifest hazard of the protestant religion, and the endangering the peace and quiet of this his majesty's ancient kingdom; have therefore thought fit, that all his majesty's protestant subjects may put themselves in their best posture of defence, for security of the Protestant religion, and securing their own lives, liberties, and properties: in pursuance of which, the said lords do hereby require and command the whole heritors within this kingdom, (armed and provided according to their conditions and qualities) to repair to the head burghs of their respective shires and stewartries, or such convenient places, as the respective commanders after-mentioned shall appoint, and there to be rendezvoused under the command of the persons following, viz. The shire of Nithedale and stewartry of Annandale, under the command of the duke of Queensberry, or such as he shall appoint; the shire of Ayr, comprehending all its jurisdictions, under the earl of Casals; the upper ward of Clydesdale, under the marquis of Douglas, or such as he shall appoint; the nether ward, under the duke of Hamilton, and in his absence, the lord Carmichael; the shire of Galloway, under the laird of Logan; the stewartry of Kirkcudbright, under the viscount of Kenmuir; the shire of Renfrew, under the command of Sir Archibald Stuart of Blackhall, baronet; the shire of Dumbarton, under the command of the laird of Ardincaple; the shire of Teviotdale, under the earl of Lothian; the shire of Berwick, under Sir Archibald Cockburn of Langton, baronet; the shires of Forest and Peebles, under the laird of Drumelzier; the shire of East Lothian, under the command of Charles master of Yester; the shire of Edinburgh, under the earl of Lauderdale; the shire of Linlithgow, under the earl of Linlithgow, lord justice-general; the shires of Stirling and Clackmannan, under the earl of Mar; the shire of Kinross and western division of Fife, under John Bruce earl of Kinross; the eastern division of Fife, under Sir Charles Halket of Pitfirren; the two divisions of the shire of Perth, under such commanders as they shall think fit to choose; the shire of Forfar, under the earl of Southesk; the shire of Kincardine, under the lord Keith; Marischal's part of Aberdeen, under the earl of Kintore, and in his absence the lord Inverury; the rest of Aberdeenshire, under the master of Forbes, or such as he shall appoint; the shire of Banff, under the earl of Finlater; all betwixt Spey and Ness, under the lord Duffus; the shire of Ross, under Sir Rory Mackenzie of Fiudon; the shire of Sutherland, under the lord Strathnaver, and in his absence, by Sir Robert Gordon of Gordonston; the shire of Caithness, under the lord Glenorchy; the shire of Bute, under the sheriff of Bute. And authorise and require the said

1688. council come in at length to what they had been harassing and persecuting the country for these twenty-eight years, and call them to self-defence, and appearing against popery, and for liberty, property, and the Protestant religion.

How matters went at London in this juncture, is not my province to enter upon. Full and large accounts of them are to be had in print already. December 11th, the king retired the first time, and his persecuting chancellor, the bloody Jeffreys, stepped aside, but was soon seized and put in the tower. And the prince of Orange was applied to by a number of the nobility, to procure them a free parliament. And, December 25th, he is addressed to take the administration, civil and military, in his hand;

heritors so met and rendezvoused, to act and do every thing lawful and necessary for the security of the protestant religion, and peace and quiet of the kingdom; with power to the said commanders above-mentioned, to keep together or dismiss them as they shall see cause, unless they have particular orders from the council to the contrary. As likewise hereby authorize and empower the magistrates of the whole royal burghs within this kingdom, to rendezvous the whole fencible persons, inhabitants within the same, for the great and laudable ends above-mentioned. Likeas, the said lords do hereby advertise and require the whole militia of foot in this kingdom, to be in readiness to be rendezvoused, whenever his majesty's privy council shall have occasion for their service, and that at the respective places of their rendezvous, and under their respective commanders; and ordain the heritors above-mentioned, to be rendezvoused at the places of rendezvous, within their respective shires, at the diets following, viz. all the shires besouth the river of Tay, upon Tuesday the first day of January next; the shires betwixt the river of Tay and Spey, upon Tuesday thereafter, the eighth day of the said month; and the whole other shires benorth Spey, upon Tuesday the fifteenth day of the said month of January. And grant personal protection to all who may be herein concerned, from all execution of the law for personal debts, and that for the space of one month after the respective days appointed for their rendezvous, in manner above-mentioned; but prejudice always of quartering, or other legal diligence to be done for the inbringing of the excise, supply, and other public burdens. And ordain the sheriffs of the sherriffdoms, bailies of regalties and balliaries, and stewarts of stewartries, and their deputes, to cause make intimation hereof in the usual way and manner accustomed; and these presents to be published at the market crosses of the head burghs of the whole shires and stewartries above-mentioned, that none pretend ignorance. Extracted forth of the records of his majesty's privy council, by me,

WIL. PATERSON, Cl. Secr. Concilli.

God save the king.

which he did. January 8th, king James retired for good and all. And the parliament met, and, February 13th, 1688-9, they offered the crown to the prince and princess of Orange, and they were that day proclaimed king and queen.

As to our Scots affairs at this juncture, I wish we had a more distinct account of them; I shall not much enter upon them. Upon the 7th of January, the prince called all the Scots noblemen and gentlemen at London to meet him at St James's, and asked their advice what was proper to be done for securing the Protestant interest in Scotland. They met upon the 8th, and concluded upon their advice to his highness, and agreed upon an address to him, that he would take upon him the civil and military administration, and call a meeting of estates at Edinburgh, March 14th next. This address, signed by about thirty noblemen, and eighty gentlemen, January 10th was presented, and on the 14th the prince called them again, and told them he would fall in with it. Accordingly, the estates of the kingdom met, and their acts and constitutions are in print, and I shall not enter upon them. Upon the 11th of April, they make their declaration containing the claim of right, and they offer the crown to king William and queen Mary, which they send up with commissioners to London, and the king accepts of it, and at their own desire turns them to a parliament. And they, June 5th, meet, and begin, after they had recognized their majesties' royal authority, with abolishing prelacy, and rescinding the earl of Argyle's forfeiture. And, the posture of public affairs not permitting, they did not meet till April, 1690, when they went on in pulling down what had been built during those years I have been describing, and set up our scriptural and reformation presbyterian church government.

I know not how to conclude this history better, than with a kind of abstract of what they did, in the notes, and with pointing the reader there to the chief things done after the glorious revolution, for setting matters right after those two reigns of blood and oppression.

The sum and compend of this large work the reader hath in a representation of griev-

ances, and petition of many thousands of presbyterians to the prince of Orange; which I have added at the foot of the page.*

* *First draught of an Address to the Prince of Orange.*

To his royal highness the prince of Orange, the representation of the grievances of many thousands in the church and kingdom of Scotland, caused from a prevailing faction, making defection from the laudable work of reformation, at our first coming out of popery, after the year 1560, and renewed after thirty years defection, in the year 1688, until 1660, and first by the acts of the parliaments and privy council, and secondly, by the practice founded thereupon, and beyond them, whereby these evil counsellors have given to the king an absolute and arbitrary power, engaging themselves, and what in them lies, with the whole nation, to obey him without a reserve, which is blasphemous, and only proper to the sovereign majesty of God; together with a call and humble petition to his highness, from the people of Scotland, of all sorts, especially of the presbyterians there.

I. The acts of parliament and council, first they took a way that none should be members of parliament, privy council, justiciary courts, exchequer, and of any place of trust in church or state, but such as should be for, and comply with, their designs; and that by acts of parliament and council, imposing oaths upon such, and keeping up warlike forces to compel all who should any ways oppose their proceedings, or disobey them in any thing, whereby all judicatories and places of trust were corrupted, and appointing the lord chancellor, now and always in time coming, to preside in parliament and all public judicatories. 1st, By the act anent the prerogative of king Charles II. parl. 1. sess. 1. act 1. which all members of parliament, at their downsitting, were to swear, and to be taken by all in civil places of trust, before their admission thereunto. 2dly, By taking the oath of supremacy, (falsely called the oath of allegiance) act 11. *ejusdem*, and renewed in parliament second, sess. 1. act 1. and which all the subjects were to take when required, parl. 1. sess. 1. act 17. of king James VII. 3dly, None are to have office in any university or college, but such as own prelatical government, and take the oath of supremacy, sess. 2. act 4. parl. 1. king Charles II. 4thly, By taking the declaration, wherein all subjects are discharged to enter into leagues and covenants, or to take up arms against the king, or any commissioned by him, upon any pretence whatsoever, and annulling all done before, in carrying on the work of reformation, (called therein the late troubles) condemning the national covenant of Scotland, (made at our first reformation from popery, and renewed in the year 1638,) as explained in the said year, which, by the general assembly, condemned the hierarchy of bishops, and the solemn league and covenant of the three kingdoms, act 5. *ejusdem*, the owning of these covenants as lawful, shall infer the crime and pains of treason, parl. 1. sess. 1. act 5. of king James VII. the duke of Queensberry being commissioner; to which is added, That he who refuses to take the said declaration in burghs, shall, besides what is in the foresaid acts, lose the privileges of merchandiz-

The copy I have is the first draught of it, with marginal corrections. 1688. Whether this address was ever written out,

ing, trading, and others belonging unto a burghess, parl. 1. sess. 3. act 2. king Charles II. 5thly, By taking the oath of the test, (far differing from the English test) wherein is the oath of supremacy, the abjuration of the covenants, and a swearing to defend, assist, and maintain his majesty's jurisdiction: this must be understood of what the parliament has given him, securing the supremacy to its height, parl. 3. sess. 1. act 6. of king Charles II. also all heritors and liferenters, wadsetters, masters of ships, all burghesses and inhabitants of burghs are to take it, parl. 1. act 13. of king James VII. but no papist to take it.

II. Screwing up the supremacy to a strange height, as, 1st, by the oaths of the prerogative, supremacy, the declaration and test above expressed. 2dly, By discharging all church-judicatories to exercise any power, which doth not acknowledge a dependence upon, and subordination to, the sovereign power of the king, as supreme; and asserting the ordering and disposal of the external government and policy of the church, properly to belong to his majesty, as an inherent right of the crown, by virtue of his royal prerogative, and supremacy in causes ecclesiastical, parl. 1. sess. 2. act 1. king Charles II. Thus the king is made the head and king of the church, which is only proper to Christ, and annuls all proceedings to the contrary, although made by king James VI. and Charles I. and their parliaments. 3dly, Act 4. *ejusdem*, it is asserted, that the nomination of members of church-judicatories, and particularly of a national synod, belongs to his majesty, as an inherent right of the crown, by virtue of his prerogative and supreme authority in causes ecclesiastical: and accordingly his majesty, in the said act, names them; and to debate and conclude upon such matters, as his majesty shall cause to be delivered to the archbishop of St Andrews, president of the said national synod, that no such assembly is to be kept without his majesty or his commissioner's presence, and that only to be a valid act, and binding canon, which is agreed upon by the president, and major part of the assembly, and approved and confirmed by his majesty or his commissioner: a strange act; such a power was never given by any general council to the pope, nor claimed by him. 4thly, An act, asserting all government does originally reside in his majesty, and lawful heirs and successors, and declares that his majesty may, by himself, or any commissioned by him, take cognizances of, and make decision in, any cause or causes he pleases, parl. 3. sess. 1. act 18. king Charles II. This is strange; for hereby all civil or kirk-judicatories may be cut off, as needless. 5thly, They establish the king's absolute power and authority, and oblige themselves to obey the king, without reserve entirely, parl. 1. sess. 1. act 2. James VII.

III. The many acts against the meetings of the nonconform ministers, preachers, and hearers, under the penalties of exorbitant fines, and other greater punishments, even death itself, parl. 1. sess. 1. act 8. of king James VII. and to the exhausting of their estates, of which some had very great estates; and that neither they

1688. signed, and sent to the prince, I cannot say, but it is a distinct and par-

ticular account of the grievances of presbyterians during this period I have been de-

meet in private houses nor in the fields (which yet were but rare) because they could not with safety, and without being apprehended, meet in houses, and that merely for nonconformity, parl. 1. sess. 3. act 1. king Charles II. acts 5 and 7. sess. 2. parl. 2. act 4. parl. 3. sess. 1. act 16. *ejusdem*, parl. 1. sess. 1. act 24. of king James VII. Particularly, besides what is last said, anent new conform ministers; first, their imprisoning of about twelve ministers, before ever the first parliament sat down, for meeting together in Edinburgh, and drawing a necessary and laudable supplication to the late king's majesty, after he came last home to England, in 1660; for which, and other things relating to the reformation, as they both suspected and alleged, the committee of estates gave them a libel, as being guilty of treason, and putting them from their office and benefice, and did execute one of them, as in the next follows. 2ndly. Their executing the marquis of Argyle, the lord of Wariston, the then register, for things whereof many of themselves were guilty; but they said, they had a remission; and Mr James Guthrie an eminent and faithful minister of the gospel, forfeiting all the three, and mainly for matters relating to the reformation, and being friends thereto, three famous martyrs; and did set up their heads in eminent places; God in his providence so ordering it, that, at the very first, a nobleman, a gentleman, and a minister should seal the work of reformation with their blood. This was done in the year 1661. 3dly. There being outed to the number of about 300, both from office and benefice, by an act of the privy council, in the year 1661, for nonconformity, there being in all Scotland but between nine and ten hundred ministers and parish-churches; and commanding them to remove their residence twenty miles from their parish-churches, six miles from cathedral churches, and three miles from all royal burghs: it was impossible to put all these clauses in execution as to all of them: and all this according to act. 1. sess. 3. parl. 1. king Charles II. 4thly. If they preach any, to be punished as seditious persons, act. 1. *ejusdem*; but withal, securing the persons of all conformist preachers in a strange way, under uncouth penalties upon the parishioners, though never so innocent, if any hurt came to them from any whatsoever, parl. 1. sess. 1. act 5. king Charles II. 5thly. That such as preach in houses or in the fields, shall be punished with death, parl. 1. sess. 1. act 8. king James VII. This was executed upon some of them. 6thly. Denuding them these 27 years past, of their maintenance wherewith they maintained themselves, wives, children, and servants, giving and allowing them not a penny therefore, nay, not out of vacant stipends; appointing the same to be given to suffering conform ministers, for their loyalty, (as they call it, and to their wives and bairns after their death) and this to the impoverishing of many godly nonconformists, and bringing them into great straits, parl. 1. sess. 1. act 52. king Charles II. 7thly. Against ordaining of ministers, making these ordinations null, and such so ordained to be no ministers, contrary to the judgment of all orthodox protestants, parl.

2. sess. 3. act 9. Charles II. 8thly. Against the marrying of people, and the married so, to pay huge fines, parl. 1. sess. 1. act 34. parl. 2. sess. 3. act 9. Charles II. 9thly. Against their baptizing, and who shall baptize with them, to pay also huge fines, parl. 2. sess. 2. act 6. sess. 3. act 11. Charles II. 10thly. The banishing of many of them out of his majesty's dominions, and not to return under the pain of death, without the license of authority, many of them dying abroad, and that for refusing to sign the oath of supremacy; yea, several of them for offering to take the said oath, with an explication thereof, holding forth its orthodox sense, were sentenced with banishment. 11thly. Their often and long imprisonments in most unwholesome places and prisons, to the putting of them to expenses for maintaining themselves and family, payment of jailor-fees, paying money to clerks for their petitions, and oftentimes in vain, and being necessitate to bribe, especially the king's advocate, and paying much to the clerks for the extracts of their liberties, when they got it, (these expenses were common to them with others) and severals of them dying in their prisons; also severals of them were put in the irons, and some of them tortured, and some of them, since the liberty was granted, for but modestly preaching against the repealing of the penal statutes, were imprisoned.

IV. The rescinding and annulling all the parliaments that were for renewing the work of reformation, and so all their acts, especially relating thereunto, since the year 1637, as the parliaments 1640, 1641, 1644, 1645, 1646, 1647, and 1649, albeit the king himself was present in that of 1641, and ratified the same, and what was then done; and in 1640, parl. 1. sess. 1. act 15. king Charles II.

V. Their rescinding, casting, and annulling of presbyterian government from its very foundation, and restoring and re-establishing prelatical government, parl. 1. sess. 2. act 1. king Charles II.

VI. Their appointing an anniversary thanksgiving day for the king's birth day and restoration, in the narrative whereof they rail, near unto blasphemy, against all the ways which were used for the work of reformation, from 1637 to 1660, they appointed it to be kept as an holy day for ever, which is proper to God only, parl. 1. sess. 1. act 17. of king Charles II.

VII. Their appointing huge sums of money to be lifted and paid by this poor oppressed kingdom, as *lmo.* for the king, besides his ordinary revenues, 1st, 40,000 pounds sterling, yearly, during his lifetime is continued, parl. 1. sess. 1. act 13. Charles II. 2dly. Of 360,000 pounds of supply, parl. 2. sess. 2. act 3. Charles II. 3dly. Of 864,000 pounds, parl. 2. sess. 3. act 4. *ejusdem*, and by annexing the assize to the crown, parl. 1. sess. 2. act 2. James VII. 4thly. Of 216,000 pounds, yearly, over and besides the five months' cess, appointed by the third act of parliament, 1681, and a continuation of four months' cess, termly, from Whitsunday, 1685, during all the terms of his majesty's lifetime, parl. 1. sess. 1. act 12. king James VII. 5thly. Annexing all the offices, privileges, and superiorities belonging to the earl of Argyle, to the crown,

scribing, drawn up by ministers and gentlemen who had suffered, when the sense of

them was fresh, and every body knew them, and thousands were ready to 1688.

as likewise the lands of the earl of Tarras, lord Melville, and others, parl. 1. sess. 1. act 40. *ejusdem*. 6thly, Annexing to the crown all the lands and baronies of all these who were upon the late plot (as they call it, but indeed meeting and consulting what they were called to do for defence of the Protestant religion) for which Jerviswood was executed, and others, and all this notwithstanding the king got never one penny of it, it being bestowed to keep up a military force here, for putting the laws and acts in execution, and given to indigent lords, and others, who are our patriots and governors, for keeping the whole land under slavery and bondage. And for the lords of session, First, 12,000 pounds sterling, for making up a stock to them, and to be paid by the shires and burghs, parl. 1. sess. 1. act 50. Charles II. Secondly, For them, 10,000 pounds Scots, yearly, besides 10,000 pounds granted by his present majesty's royal grandfather, or what hath been formerly granted to them, or otherwise appertained to them, parl. 1. sess. 2. act 7. of king Charles II.

VIII. Approving the engagement against England of 1648, (which was declared unlawful both by church and state) annulling the parliaments and committees kept thereafter, and condemning the rising in arms of the west, and all acts and deeds flowing from all these (which yet were approved by the parliament, 1649), parl. 1. sess. 1. act 9. king Charles II.

IX. An offer to the king of 20,000 footmen, and 2,000 horsemen, sufficiently armed, with forty days' provision, to march, when called, to any part of his majesty's dominions, parl. 1. sess. 3. act 25. Charles II.

X. That all, of whatsoever sex, degree, or quality, depone upon oath against delinquents, as they call them, when called thereto, especially ancient conventicles, and if they refuse, to be fined, imprisoned, or banished to the Indies, parl. 2. sess. 2. act 2. Charles II. and who shall refuse to be thus witnesses in the cases of treason (in their account) field or house conventicles, they shall be liable to be punished as guilty of these crimes respectively, parl. 1. sess. 1. act 4. king James VII. This is against the moral law of God, which commands love to our neighbour, and also against it and the light of nature, when hereby we are to depone against ourselves. Yea, if any should refuse upon oath to depone against themselves, it was told them, in their judicatories, they should be holden guilty of what was inquired at them.

XI. That the master is to be answerable for all in his family, his tenants and cotters, with power to him to punish them for keeping conventicles (as they called them), or resetting of nonconform ministers, or intercommuned persons, by putting them from their lands, notwithstanding of their tacks, parl. 3. sess. 1. act 4. Charles II. also for this against tenants under huge penalties, parl. 1. sess. 1. act 24. James VII. 2dly, Husbands are to be liable for their wives' fines, parl. 1. sess. 1. act 6. James VII.

XII. Statuting that the concealing, and not revealing of supplies, given to, or demanded for traitors (as they accounted them) is treason, parl. 1. sess. 1. act 7. James VII.

XIII. They indemnify all his majesty's offi-

cers of state, members of the secret committee, lords of privy council, and all his majesty's judges, and the officers of the army, against all pursuits that can be raised against them for acting in his majesty's service, as likewise for their omissions, parl. 1. sess. 1. act 31. James VII. they extended this thus, if they should wound or kill any fleeing from their barbarity in pursuing them, and to all their acts made by them.

XIV. The parliaments, from time to time, committed to the privy council to act, and do in order to their acts and what might conduce to the upholding of this their tyranny and oppression, yea, their whole power, which they did execute to the very height, beyond the acts of parliament, having no law of their own herefore.

Their practice follows.

1. Their imprisoning of about twelve ministers for meeting together in Edinburgh, and drawing a necessary and laudable supplication to the late king Charles, after he came last home to England, for which and other things relating to the reformation, as they but suspected and alleged, they gave each of them one and the same long libel, as being guilty of treason, and did put them all from their office and benefice, of whom one of them was executed, as afterward we shall hear. This was done by a committee of estates, before any parliament was held after the king's restoration.

2. Their tolerating of popery and popish meetings, ever since 1660, but no quarter was given to presbyterians and their meetings.

3. Their marching with a great host to the west, anno 1678, against a most innocent people, who neither was speaking nor doing any thing against them, nor did any thing in the least by resisting or defending themselves, by which, in quartering, robbing, and plundering, they almost consumed these shires as to their goods. This can hardly be paralleled.

4. Their putting all the gentry and heritors to come forth with their followers and arms, when they thought they were difficulted by any resistance of the grieved and nonconformed subjects, or had suspicions of the same, as at the going west of the host above-mentioned, at Pentland and Bothwell, and at Argyle's coming over from Holland, which put them to great expense, and who came not out were greatly fined.

5. Their putting all the subjects to it to rick out this last militia, with arms and forty days' provision, intended against the prince of Orange, until they saw their hopes broken.

6. Many were forced to leave the country to evade their persecution, where some of them spent much, and some of them all the little stock they had.

7. Their excessive and exorbitant fines for mere nonconformity. 2ndly, Their forfeiting men for life and fortune for hinting to help the oppressed, as Kersland and Caldwell, not giving to their relict ladies so much as a penny of their jointure, above these twenty years past, and others. 3dly, Forfeiting men for mere converse with these that were intercommuned, or had been in arms for their own defence, so that they should not be seen with their nearest relations,

sign it; and it is a good voucher
1688. for many things narrated above. I

yea, the husband behaved not to converse with his wife or children, nor they with him, and were to be executed unless they got out a remission for their life, and many of these were intercommuned for mere nonconformity; and thus they extolled their cruel civil laws above the law of God, and all this albeit many of themselves were guilty hereof. 4thly, Forfeiting the laird of Cessnock his great estate, notwithstanding he was absolved by the criminal court, and gave the same to the earl of Melford. 5thly, Forfeiting and executing the late earl of Argyll by a sentence of the criminal court, and that for a most innocent and candid explication of the test, upon which he offered to subscribe it; for no further process was led against him, when he came into his country in arms, after his escape. 6thly, Their executing of many of these who rose in arms for their own defence, being before pillaged and barbarously used by Sir James Turner, with his blasphemous ruffian soldiers, there being no other mean for remedy left them, in regard all the subjects were discharged to supplicate or petition for any redress of the wrongs done unto them (and this though they expressed, at their death in their speeches, much love, loyalty, and respect to the king) which is against that known maxim, *cuiuslibet licet supplicare et protestari*. The like was done to very many of those who rose at Bothwell upon the same account. Many of both these had their heads, and other pieces of their body, fixed and set up in public places. Also many of them were driven like sheep into a churchyard at Edinburgh, affording them neither meat nor clothing. Many of them were drowned by their means in a ship, pretending to send them to America, who might easily have been saved, the shipmaster having gone ashore, having left the doors upon the deck locked upon them, excepting a few who were upon the deck and were saved; and yet nothing was done against the shipmaster therefore. 7thly, Their torturing barbarously, by breaking their legs and bones, calling them in the boot; others had their thumbs crushed by an uncouth and unusual engine: others had their ears cut, and afterwards sent to America to be sold for slaves. Now many of these were so dealt with for mere nonconformity and not deposing upon oath against themselves. Others also, long before these, were burned in the cheek for resisting a curate coming in upon them, and thereafter were banished; this curate was excommunicated before in the time of presbyterian government. 8thly, They executed several simple women for mere words spoken out of their zeal, but wanting knowledge.

It is impossible to relate all their butcheries and cruel persecutions.

The instruments of all these cruelties and persecutions were, especially the evil counsellors, viz. the privy council, both by their acts, practices, and commands, the bloody lords of the judiciary and criminal court, the king's advocate, yet in life, Sir George Mackenzie, pleading for these executions, the cruel lord bishops with their curates, instigating to all these things, beside their acting in them, the profane and atheistical officers, and common soldiers and dragoons. Now, how can any of these be trusted again? who

am of opinion that this paper was not got finished before the prince's arrival in Eng-

kept not faith to God, they will not keep it to men; also, according to that maxim, "false to God, never true to man."

By all these it is clear, that the government, both of church and state, is overturned, the work of reformation defaced, and almost ruined, that this poor land is almost destroyed and eaten up; it is a wonder it is not so. That people of all ranks, great and small, have been oppressed in their consciences, bodies, and estates, manifold and great perjuries committed through the imposing of oaths, and contrary oaths against their light, dreadful breaches of covenants, and despising of the oath of God; for which, and the manifold horrid profanities of all sorts through the whole land, and tolerated both by the prelatical church and backsliding state, and horrid abominations and idolatry protected, it is to be feared the Lord may have a controversy and quarrel against us, which may be gathered, especially from Ezek. chap. xvii.: there Zedekiah, having made a covenant with the king of Babylon, an heathen king, in a matter of civil homage, and to get a crown, and so in a manner forced to it, which God owns for his covenant and oath, because Zedekiah swore by God, 2 Chron. chap. xxxvi. ver. 18, and yet for the breach thereof he was dreadfully threatened, and all Judah was led captive by the Chaldeans.

The petition follows.

And now we humbly and earnestly petition and desire his royal highness the prince of Orange, to come or send some commissioned by him, and to bring or send some competent number of forces, with whom many in this land are ready to join, and thereby to bring us to our first constitution, particularly and especially to procure,

1st, That a free parliament or convention of estates being called, without imposing of oaths either upon the electors or elected members, which these, of whom we now complain, required before, and at their sitting down; and that no bishop or evil counsellor be called to sit to be our judges, and until the same be had, or if it cannot be had soon, that the bishops be presently put from their office as such, or to have any places of trust, that a new council, judiciary court, and other well affected officers be settled and erected.

2dly, That the oaths and bonds imposed may be helped or done away, particularly and especially, that the oaths of the prerogative and supremacy may be corrected, and the oaths of the declaration abjuring our covenants and the test, may be abrogated.

3dly, That when the parliament sits down, the office of bishops above pastors, with all that pertain thereunto, be assailed, a yoke which neither we nor our fathers were able to bear since the first reformation, the same having no warrant from God's word, being contrary to our solemn covenants and vows, and which our predecessors at the bringing in of the first bishops, in their remonstrances, supplications, and protestations, did hold forth to be the egg of which antichrist and the man of sin was clected at first, and by which, as a ladder and steps, he mounted up to the popedom, withal denouncing a curse upon

land, and so was not sent. But as soon as possible, the general meeting of presbyterian ministers convened at Edinburgh, and in

January, I think, agreed to, and transmitted an address to his highness the ^{1688.} prince of Orange, which I have added below,*

these who should build this Jericho again, as the book of conformity holds forth; by which cursing, a judicial stroke from the Lord hath seized upon them ever since; for albeit there may be some good men in that office elsewhere, who have not attained such a height of reformation herein, and come under such engagements to God as we against them, yet ours may be reckoned amongst the worst of men; yea, the protestants in Scotland could never bear with such a government.

4thly, That presbyterian government be restored and re-established, as it was at the beginning of our reformation from popery, and renewed in the year 1688, continuing until 1680, and that there be no church judicatories hereafter, but of presbyterian ministers, and ruling elders, by general assemblies, provincial synods, classes or presbyteries, and church-sessions.

5thly, That presbyterian ministers, which are alive, may return to their former charge, and enjoy the benefices thereof, and where other presbyterian ministers have meeting-houses at present, they may have the public churches with the maintenance thereof; the present conform incumbents having come in with all the rest of them, at least generally without the election of the people, and so are intruders, and that the rest of these conformists be referred to the church judicatories, it being remembered and considered (as is already said), that about three hundred of presbyterian ministers were removed from their charges and benefices in one day, anno 1661, and such as were among the lowest and worst of the people, generally as being insufficient or scandalous men, were put in their room, wherewith also the whole church was and is pestered.

6thly, That laical patronages be discharged, as was done in the parliament, 1649, and the people restored to their right and privilege of election, according to the warrant of God's word.

7thly, That what acts were made debarring any to supplicate and petition authority, may be cancelled, and a liberty granted therefore.

8thly, That the royal burghs, being restored to their privileges, may be put to choose magistrates well affected to this good cause.

9thly, That these of the west country may have their arms restored to them, the same being taken from them, because they are generally well affected.

10thly, That as much as can be, all losses may be repaired, the fines repaid by such as appointed, required, and received them, and all forfeitures, found unjustly to be inflicted, be taken off, and their lands be restored to the right owners, their relicts and heirs, and who have possessed them hitherto, may at least repay to the relicts of the deceased their bygone jointures, which were and are due to them; outed ministers, their relicts or heirs; may have some recompense for their bygone stipends. It may be here remembered, that in the parliament which began anno 1661, great fines were imposed and exacted of many of all ranks in the land, whom they but suspected to have been for the reformation before; and if the like be done now against known guilty persons, they cannot justly complain.

11thly, That there be a competent military force of our own, established of persons well affected to the re-established good government of church and state, as standing forces before the prince his forces be removed, and the same to be paid as formerly these years past; and that a militia be settled with new and well affected officers; and that these forces which have been employed against us, and are still in arms, be disarmed and disbanded.

12thly, That there be a commission for plantation of kirks appointed.

These things being granted, will the more oblige us to pray to God for your royal highness, and good success in all your glorious undertakings, who are,

Your royal highness's most humble,
And most obliged servants.

* *Address from the meeting of presbyterian ministers to the prince of Orange.*

May it please your highness,

We cannot but magnify and bless the Lord, who, in his sovereign goodness and mercy, hath raised up your highness as a worthy successor of your illustrious ancestors, whom God eminently honoured zealously to appear for the reformed religion, and relief of the professors thereof in the Netherlands, in their greatest extremities through Romish cruelty and persecution; and now when the true religion, the ministers and professors thereof, were in no less danger, from their malicious and powerful enemies, hath graciously inclined your highness to espouse the interest of his churches in these kingdoms, with so much hazard and expense, and hath hitherto blessed your pious and heroic undertaking with admirable success, and so little effusion of blood. This is the doing of the Lord, who is wonderful in counsel, and excellent in working; and it cannot but be marvelous in our eyes, and will be on record for generations to come. And, great Sir, we hold ourselves obliged, with all possible thankfulness, to acknowledge your highness the Lord's chosen, called, and singularly qualified servant for this his work.

Our hearts were not a little revived and refreshed by your highness' gracious declaration in reference to Scotland, which was to us as rain on the mown grass, perceiving therein your knowledge and resentment of our deplorable condition, with so much christian compassion, and magnanimous resolution to relieve and rescue us from these our insupportable sufferings, which also encouraged us to offer this our humble address, so soon as we could with safety meet upon it: in which we will not enumerate the particulars of the sore trials of this church, referring that to those intrusted herewith, to be presented to your highness, when called for. Ouly, Sir, as your highness hath wisely noticed, one great occasion of all the miseries under which this country hath for a long time groaned, to have been the driving of some hundreds of ministers out of their churches, without either accusation or citation, and the filling of many of their places with ignorant and scandalous persons; so it is well known, the true cause of this

1688. from a copy under the clerk to that meeting his hand; and the rather, that a maimed and false copy hath been published of it in some prelatie pamphlets, with reflections, which the preceding part of this history will sufficiently refute.

From what hath been already observed, we may be fully persuaded of king William's good inclinations for the church of Scotland, and how fully he would have gone into all that presbyterians could have sought: but it was our unhappiness, he had a prelatie church likewise to manage, and our prelatists, though hearty Jacobites, wanted not friends in our neighbour kingdoms; and yet, under this weight, he did a

was the overturning of the presbyterial government, which was generally received as of divine right, and established by the national assemblies of this church, and sanction of many civil laws; and instead thereof the erecting of prelacy, which being attended with a numerous train of severe laws, rigorously executed both on ministers and people of all degrees, who found themselves bound up from compliance therewith, both by light and conviction from the word of God, and the conscience of many solemn engagements, became the source of all the evils of sin and suffering which followed. And to complete our calamities, when counted and treated as sheep for the slaughter, we might not complain or petition without rendering ourselves highly criminal.

And, Sir, being in this grievous bondage, it will, we doubt not, plead for a favourable construction of our accepting the little respite allowed us in June, 1687, seeing, as we ought not to do or comply with what is evil, that good may come of it; so neither ought we to forbear to do or make use of what is in itself lawful and good, because of the bad intentions of others, while we neither approve thereof, nor partake with them therein, which was our very case in taking the benefit of that liberty: for then we in our address most plainly asserted our known principles, contained in our Confession of Faith, and do declare, that accordingly we have ever been opposite to the projects of dispensing with, and taking off, the penal laws against papists, albeit thereby our own great hazard, through the continuance of no less severe penal laws, and more rigorous execution thereof against ourselves, was sufficiently obvious to all of us.

But now, Sir, having, blessed be God, access unto your highness, and confidence in your zeal for the glory of God, and good of his church, on which we entirely rely, we humbly beseech you in the bowels of Christ, that, in commiseration of this torn and afflicted church, you will be pleased to take such proper and effectual methods as God shall direct you unto, for procuring our deliverance from that yoke of prelacy, which, being obtruded without, yea, and against the consent of this church, and contrary to the genius of the nation, neither we nor our fathers were able to bear, and the restoration of the presbyterial church-government, and of those

great deal, and restored our reformation rights, and did public justice to a great many of the sufferers; and would have done more, had it not been for the influence of some in England, and our own state divisions among ourselves. I am only to point the reader in the notes to some of the principal things done upon the revolution, to help what had been put wrong under the two brothers' reigns, as we have heard. The claim of right was the foundation of what followed, and as a great voucher to some of the facts set down above, and a great advancement after such a turn, I insert it below.*

As soon as the convention were turned

ministers yet alive, to their charges, who were so unjustly thrust from them, and the settlement of other presbyterian ministers, who are or may be hereafter by the respective flocks orderly called, as being the most promising remedy against popery and slavery, and against the continuance of our otherwise incurable distractions; that all things being done for the house of the God of heaven, according to the commandment of the God of heaven, this poor weather-beaten church may at length, through God's blessing, arrive at a safe and quiet harbour, and purity, piety, order, and unity, may yet again flourish amongst us and our posterity.

In the meantime, Sir, that God may bless and protect your highness' person, and the person of her royal highness your illustrious consort, and may ever bestow upon you the counsel of his Spirit, and the assistance of his power in all your generous and just undertakings, especially in what remains to be done for advancing of Christ's kingdom, and establishing of truth and righteousness in these lands, and in all the churches abroad, that you may be for ever recorded as the repailer of the breach, the restorer of paths to dwell in, and crowned with victory and glory, shall be the constant and hearty prayer of,

May it please your highness,

Your highness' most humble, most faithful, and most obedient servants in Christ.

Subscribed, at the appointment of a frequent meeting, Edinburgh, January, 1689, by

* *Claim of Right, Act 13, April 11th, 1689.*

Whereas king James VII. being a professed papist, did assume the regal power, and acted as king, without ever taking the oath required by law, whereby the king, at his access to the government, is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws, and did, by the advice of wicked and evil counsellors, invade the fundamental constitution of this kingdom, and altered it from a legal limited monarchy, to an arbitrary despotic power; and, in a public proclamation, asserted an absolute power to call, annul, and disable all the laws, particularly arraigning the laws, establishing the protestant religion, and did exercise that power, to the subversion of the protestant religion, and to the vio-

to a parliament, by their 3d act, July 22d, 1689, they abolish prelaoy, as the reader

will see from the note below, * and by their 4th act do justice to the no- 1688.

lation of the laws and liberties of the kingdom. — By erecting public schools, and societies of the Jesuits, and not only allowing mass to be publicly said, but also inverting protestant chapels and churches to public mass-houses, contrary to the express laws against saying and hearing of mass. — By allowing popish books to be printed and dispersed, by a gift to a popish printer, designing him printer to his majesty's household, college, and chapel, contrary to the laws. — By taking the children of protestant noblemen and gentlemen, sending and keeping them abroad, to be bred papists, making great funds and donations to popish schools and colleges abroad, bestowing pensions upon priests, and perverting protestants from their religion by offers of places, preferments, and pensions. — By disarming protestants, while at the same time he employed papists in the places of greatest trust, civil and military; such as chancellor, secretaries, privy counsellors, and lords of session, thrusting out protestants to make room for papists, and intrusting the forts and magazines of the kingdom in their hands. — By imposing oaths contrary to law. — By giving gifts and grants for exacting money, without consent of parliament, or convention of estates. — By levying, or keeping on foot a standing army in time of peace, without consent of parliament, which army did exact locality, free and dry quarters. By employing the officers of the army as judges through the kingdom, and imposing them where there were heritable offices and jurisdictions, by whom many of the lieges were put to death summarily, without legal trial, jury, or record. — By imposing exorbitant fines, to the value of the parties' estates, exacting extravagant bail, and disposing fines and forfeitures before any process or conviction. — By imprisoning persons without expressing the reason, and delaying to put them to trial. — By causing pursue and forfeit several persons upon stretches of old and obsolete laws, upon frivolous and weak pretences, upon lame and defective probations; as particularly the late earl of Argyle, to the scandal and reproach of the justice of the nation. — By subverting the right of the royal burghs, the third estate of parliament, imposing upon them not only magistrates, but also the whole town-council and clerks, contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent, so that the commissioners to parliaments being chosen by the magistrates and council, the king might in effect as well nominate that entire estate of parliament; and many of the said magistrates put in by him were avowed papists, and the burghs were forced to pay money for the letters imposing these illegal magistrates and councils upon them. — By sending letters to the chief court of justice, not only ordaining the judges to stop and desist *sine die* to determine causes; but also ordering and commanding them how to proceed in cases depending before them, contrary to the express laws; and by changing the nature of the judges' gifts *ad vilam aut culpam*, and giving them commissions *ad beneplacitum*, to dispose them to compliance with arbitrary courses, and turning them out of their offices when they did not comply. — By granting personal protections for civil debts,

contrary to law. — All which are utterly and directly contrary to the known laws, statutes, and freedoms of this realm. Therefore the estates of the kingdom of Scotland, find and declare, that king James VII. being a professed papist, did assume the regal power, and acted as king, without ever taking the oath required by law, and hath, by the advice of evil and wicked counsellors, invaded the fundamental constitution of the kingdom, and altered it from a legal limited monarchy, to an arbitrary despotic power, and hath exercised the same to the subversion of the protestant religion, and the violation of the laws and liberties of the kingdom, inverting all the ends of government; whereby he hath forfeited the right to the crown, and the throne is become vacant.

And whereas his royal highness, William, then prince of Orange, now king of England, whom it hath pleased almighty God to make the glorious instrument of delivering these kingdoms from popery and arbitrary power, did, by the advice of several lords and gentlemen of this nation, at London for the time, call the estates of this kingdom to meet the fourteenth of March last, in order to such an establishment, as that their religion, laws, and liberties, might not be again in danger of being subverted; and the said estates, being now assembled in a full and free representative of this nation, taking to their most serious consideration the best means for attaining the ends aforesaid, do, in the first place, as their ancestors in the like cases have usually done, for the vindicating and asserting their ancient rights and liberties, declare: — That by the law of this kingdom, no papist can be king or queen of this realm, nor bear any office whatsoever therein; nor can any protestant successor exercise the regal power, until he or she swear the coronation oath: that all proclamations asserting an absolute power, to cass, annul, and disable laws, the erecting schools and colleges for Jesuits, the inverting protestant chapels and churches to public mass-houses, and the allowing mass to be said, are contrary to law: that the allowing popish books to be printed and dispersed, is contrary to law: that the taking the children of noblemen, gentlemen, and others, sending and keeping them abroad to be bred papists, the making funds and donations to popish schools and colleges, the bestowing pensions on priests, and the perverting protestants from their religion, by offers of places, preferments, and pensions, are contrary to law: that the disarming of protestants, and employing papists in the places of greatest trust, both civil and military, the thrusting out protestants, to make room for papists, and the intrusting papists with the forts and magazines of the kingdom, are contrary to law: that the imposing oaths without authority of parliament, is contrary to law: that the giving gifts or grants, for raising of money, without the consent of parliament, or convention of estates, is contrary to law: that the employing the officers of the army as judges through the kingdom, or imposing them where there were heritable offices and jurisdictions, and the putting the lieges to death summarily, without legal trial, jury, or record, are contrary to law: that the imposing of extraordinary fines, the exact-

1688. ble family of Argyle, and declare what was done to the earl to have

been a scandal and reproach to the nation, and rescind his forfeiture. At this session

ing of exorbitant bail, and the disposing of fines and forfeitures before sentence, are contrary to law: that the imprisoning persons, without expressing the reason thereof, and delaying to put them to trial, is contrary to law: that the causing pursue and forfeit persons, upon stretches of old and obsolete laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late earl of Argyle, are contrary to law: that the nominating and imposing the magistrates, councils, and clerks, upon burghs, contrary to their liberties and express charters, is contrary to law: that the sending letters to the courts of justice, ordaining the judges to stop or desist from determining causes, or ordaining them how to proceed in causes depending before them, and the changing the nature of the judges' gifts *ad vitam aut culpam*, into commissions *durante beneplacito*, are contrary to law: that the granting personal protections for civil debts, is contrary to law: that the forcing the lieges to depone against themselves in capital crimes, however the punishment be restricted, is contrary to law: that the using torture without evidence, or in ordinary crimes, is contrary to law: that the sending of an army in a hostile manner, upon any part of the kingdom, in a peaceable time, and exacting of locality, and any manner of free quarters, is contrary to law: that the charging of the lieges with lawborrowes at the king's instance, and the imposing of bonds without the authority of parliament, and the suspending advocates from their employment, for not comparing when such bonds were offered, were contrary to law: that the putting of garrisons in private men's houses, in time of peace, without their consent, or the authority of parliament, is contrary to law: that the opinions of the lords of session, in the two cases following, were contrary to law, viz. 1. That the concealing the demand of a supply for a forfeited person, although not given, is treason. 2. That persons refusing to discover what are their private thoughts and judgments, in relation to points of treason, or other men's actions, are guilty of treason: that the fining husbands for their wives withdrawing from the church, was contrary to law: that prelacy, and the superiority of any office in the church above presbyters, is, and hath been, a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever since the reformation (they having reformed from popery by presbyters), and therefore ought to be abolished: that it is the right and privilege of the subjects, to protest for remedy of law, to the king and parliament, against sentences pronounced by the lords of session, providing the same do not stop execution of these sentences: that it is the right of the subjects to petition the king, and that all imprisonments and prosecutions for such petitioning, are contrary to law: that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be frequently called, and allowed to sit, and the freedom of speech and debate secured to the members: and they do claim, demand, and insist upon all and sundry the premises, as their undoubted rights and liberties: and that no declarations, doings, or pro-

ceedings, to the prejudice of the people, in any of the said premises, ought in any ways to be drawn hereafter, in consequence or example, but that all forfeitures, fines, loss of offices, imprisonments, banishments, pursuits, prosecutions, tortures, and rigorous executions be considered, and the parties lesed be redressed.

To which demand of their rights, and redressing of their grievances, they are particularly encouraged by his majesty the king of England his declaration for the kingdom of Scotland, of the day of October last, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence, that his said majesty the king of England, will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, laws, and liberties, the said estates of the kingdom of Scotland, do resolve, that William and Mary, king and queen of England, France, and Ireland, be, and be declared king and queen of Scotland, to hold the crown and royal dignity of the said kingdom of Scotland, to them the said king and queen, during their lives, and the longest liver of them; and that the sole and full exercise of the regal power, be only in, and exercised by, him the said king, in the names of the said king and queen, during their joint lives; and after their decease, the said crown and royal dignity of the said kingdom, to be to the heirs of the body of the said queen; which failing, to the princess Anne of Denmark, and the heirs of her body; which also failing, to the heirs of the body of the said William king of England. And they do pray the said king and queen of England to accept the same accordingly. And that the oath hereafter mentioned, be taken by all protestants, of whom the oath of allegiance and any other oaths and declarations, might be required by law, instead of them; and that the said oath of allegiance, and other oaths and declarations, may be abrogated. "I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance, to their majesties king William and queen Mary. So help me God."

* *Act abolishing Prelacy, July 22d, 1689.*

Whereas the estates of this kingdom, in their claim of right, of the 11th of April last, declared that prelacy, and the superiority of any office in the church above presbyters, is and hath been a great and insupportable grievance to this nation, and contrary to the inclination of the generality of the people, ever since the reformation, they having reformed from popery by presbyters, and therefore ought to be abolished: our sovereign lord and lady, the king and queen's majesties, with advice and consent of the estates of parliament, do hereby abolish prelacy, and all superiority of any office in the church in this kingdom above presbyters; and hereby rescind, cass, and annul the first act of the second session of the first parliament of king Charles II. and the second act of the third session of the first parliament of king Charles II. and the fourth act of the third parliament of king Charles II. and all other acts, statutes, and constitutions, in so far alienary as they are inconsistent with this

they had but very little time, and did not fully understand one another, otherwise more might have been done in the time they had. It was a pity in the eyes of many, that an act was not passed, which was read June 26th a first time, and thereafter, I think, July 2d a second time, and, as some accounts before me bear, agreed to in parliament, concerning the exclusion of people who had a share in the oppression I have been describing, and the evil counsels given, from places of public trust and power. I have, however, annexed the draught of it in a note.* When they had more time next session, they fell more closely to work, and by their first act rescind act 1. parl. 2. Char. II. act asserting his majesty's supremacy, &c. as inconsistent with presbyterian government, and what ought to be abrogated; and by the 2d act

act, and do establish prelacy, or the superiority of church-officers above presbyters: and the king and queen's majesties do declare, that they, with advice and consent of the estates of this parliament, will settle by law that church government in this kingdom, which is most agreeable to the inclinations of the people.

* *Draught of an act of parliament excluding persons from public trust.*

The king and queen's majesties considering, that the estates of this kingdom have, by their vote, declared their sense and opinion, that such as have, in the former evil government, been grievous to the nation, or have shown disaffection to the happy change, by the blessing of God, now brought about, or have been retarders or obstructers of the good designs of the said estates, in their meeting, are not fit to be employed in the management of the affairs of this kingdom, do, with the advice and consent of the estates of parliament now assembled, statute and ordain, that no person of whatsoever rank or degree, who, in the former evil government, have been grievous to the nation, acting in the encroachments mentioned in these articles of the claim of right, which are declared to be contrary to law, or who have shown disaffection to the happy change, by the blessing of God, now brought about, by acting in opposition thereto, since the time that the king and queen now reigning were proclaimed, or who hath been a retarder and obstructer of the good designs of the said estates, viz. the securing of the protestant religion, the settling the crown, the establishing the rights of the lieges, and the redressing their grievances, by acting contrary to these good designs, since the time that they became public, by votes and acts of the meeting, be allowed to possess, or be admitted into any public trust, place, or employment, of whatever kind, under their majesties, in this kingdom.

April 25th, added below,† restore presbyterian ministers thrust from 1688. their charges since 1661, and by their 5th act June 7th they ratify the confession of faith, and settle presbyterian government, which is added below.‡ In this second ses-

† *Act of parliament, April 25th, 1690, restoring presbyterian ministers.*

Forasmuch as, by an act of this present parliament, relative to, and in prosecution of the claim of right, prelacy, and the superiority of church-officers, above presbyters, is abolished, and that many ministers of the presbyterian persuasion, since the first of January, 1661, have been deprived of their churches, or banished for not conforming to prelacy, and not complying with the courses of the time: therefore their majesties, with advice and consent of the estates of parliament, ordain and appoint, that all those presbyterian ministers yet alive, who were thrust from their charges since the first day of January, 1661, or banished for not conforming to prelacy, and not complying with the courses of the time, have forthwith free access to their churches, that they may presently exercise the ministry in these parishes, without any new call thereto; and allow them to brulk and enjoy the benefices and stipends thereunto belonging, and that for the whole crop, 1689, and immediately to enter to the churches and mansees, where the churches are vacant, and where they are not vacant, then their entry thereto is declared to be to the half of the benefice and stipend, due and payable at Michaelmas last, for the half year immediately preceding, betwixt Whitsunday and Michaelmas; declaring that the present incumbent shall have right to the other half of the stipend and benefice, payable for the Whitsunday last bypast: and to the effect that these ministers may meet with no stop or hinderance, in entering immediately to their charges, the present incumbents in such churches, are hereby appointed, upon intimation hereof, to desist from their ministry in these parishes, and to remove themselves from the mansees and glebes thereunto belonging, betwixt and Whitsunday next to come, that the presbyterian ministers formerly put out, may enter peaceably thereto; and appoint the privy council to see this act put to execution. Extracted forth of the records of council, by me,

J. HAY, Cl. Reg.

God save King William and Queen Mary.

‡ *Act of parliament, June 7th, 1690, ratifying the Confession of Faith, and settling presbyterian church government.*

Our sovereign lord and lady, the king and queen's majesties and three estates of parliament, conceiving it to be their bound duty, after the great deliverance that God hath lately wrought for this church and kingdom, in the first place, to settle and secure therein the true protestant religion, according to the truth of God's word, as it hath of a long time been professed within this land; as also the government of Christ's church within this nation, agreeable to the word of God, and most conducive to the advancement of true piety and God-

1688. sion they do justice to several persons wronged in the former years,

in acts which need not be inserted; to Caldwell, Kersland, and Mr Veitch by

liness and the establishing of peace and tranquillity within this realm; and that by an article of the claim of right, it is declared, that prelacy, and the superiority of any office in the church, above presbyters, is and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever since the reformation, (they having reformed from popery by presbyters) and therefore ought to be abolished; likewise, by an act of the last session of this parliament, prelacy is abolished: therefore their majesties, with advice and consent of the said three estates, do hereby revive, ratify, and perpetually confirm all laws, statutes, and acts of parliament, made against popery and papists, and for the maintenance and preservation of the true reformed protestant religion, and for the true church of Christ within this kingdom, in so far as they confirm the same, or are made in favours thereof. Likewise, they, by these presents, ratify and establish the Confession of Faith now read in their presence, and voted and approved by them, as the public and avowed confession of this church, containing the sum and substance of the doctrine of the reformed churches; which Confession of Faith is subjoined to this present act. As also, they do establish, ratify, and confirm the presbyterian church-government and discipline, that is to say, the government of the church by kirk-sessions, presbyteries, provincial synods, and general assemblies, ratified and established by the 114 act, Jam. VI. parl. 12. anno 1592, intituled, "Ratification of the liberty of the true kirk, &c." and thereafter received by the general consent of this nation, to be the only government of Christ's church, within this kingdom; reviving, renewing, and confirming the foresaid act of parliament in the whole heads thereof, except that part of it relating to patronages, which is hereafter to be taken into consideration; and rescinding, annulling, and making void the acts of parliament following, viz. "Act anent restitution of bishops," Jam. VI. cap. 2. "Act ratifying the acts of the assembly, parl. 18. 1610." Jam. VI. parl. 21. cap. 1. "Act anent the election of archbishops and bishops," Jam. VI. parl. 22. cap. 1. Act intituled, "Ratification of the five articles of the general assembly at Perth," Jam. VI. parl. 23. cap. 1. Act intituled, "For the restitution and re-establishment of the ancient government of the church, by archbishops and bishops," Char. II. parl. 1. sess. 2. act 1. "Act anent the constitution of a national synod," Char. II. parl. 1. sess. 3. act 5. "Act against such as refuse to depone against delinquents," Char. II. parl. 2. sess. 2. act 2. "Act intituled, "Act acknowledging and asserting the right of succession to the imperial crown of Scotland," Char. II. parl. 3. act 2. Act intituled, "Act anent religion and the test, Char. II. parl. 3. act 6. with all other acts, laws, statutes, ordinances, and proclamations, and that in so far alienary as the said acts and others, generally and particularly above-mentioned, are contrary or prejudicial to, inconsistent with, or derogatory from the protestant religion, and presbyterian government now established; and allowing and declaring, that the

church-government be established in the hands of, and exercised by these presbyterian ministers, who were outed since the first of January, 1661, for nonconformity to prelacy, or not complying with the courses of the time, and are now restored by the late act of parliament; and such ministers and elders only as they have admitted or received, or shall hereafter admit or receive: And also, that all the said presbyterian ministers have, and shall have right to the maintenance, rights, and other privileges, by law provided, to the ministers of Christ's church within this kingdom, as they are, or shall be legally admitted to particular churches. Likewise, in pursuance of the premises, their majesties do hereby appoint the first meeting of the general assembly of this church, as above established, to be at Edinburgh, the third Thursday of October next to come, in this instant year, 1690. And because many conform ministers, either have deserted, or were removed from preaching in their churches, preceding the 18th day of April, 1689, and others were deprived for not giving obedience to the act of the estates, made the said 18th of April, 1689, intituled, "Proclamation against the owning of the late king JAMES, and appointing public prayers for king William and queen Mary:" therefore their majesties, with advice and consent foresaid, do hereby declare all the churches, either deserted, or from which the conform ministers were removed or deprived, as said is, to be vacant, and that the presbyterian ministers exercising their ministry, within any of these parishes, (or where the last incumbent is dead) by desire or consent of the parish, shall continue their possession, and have right to the benefices and stipends, according to their entry in the year 1689, and in time coming, aye and while the church, as now established, take further course therewith. And to the effect the disorders that have happened in this church may be redressed, their majesties, with advice and consent foresaid, do hereby allow the general meeting, and representatives of the foresaid presbyterian ministers and elders, in whose hands the exercise of the church government is established, either by themselves, or by such ministers and elders, as shall be appointed and authorised visitors by them, according to the custom and practice of presbyterian government throughout the whole kingdom, and several parts thereof, to try and purge out all insufficient, negligent, scandalous, and erroneous ministers, by due course of ecclesiastical process, and censures; and likewise, for redressing all other church-disorders; and further, it is hereby provided, that whatsoever minister, being convened before the said general meeting, and representatives of the presbyterian ministers and elders, or the visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censured, whether by suspension, or deposition, they shall *ipso facto* be suspended from, or deprived of their stipends and benefices. And ordain this act to be printed and published. Extracted forth of the records of parliament, by me,

THO. BURNET, Cl. Reg

their 81st act, to the laird of Salton by their 16th act. By their 19th act they dissolve the lands annexed to the crown in the former reigns. By their 23d act they abolish patronages; and by their 27th rescind the laws for conformity; and by their 28th rescind several other iniquitous acts of parliament in the former period since the restoration. And to do all the justice that might now be, to the worthy persons concerned, they rescind all the forfeitures and fines since the year 1665 in a long act containing a very large list of persons forfeited and fined; and appoint a court to hear the claims they had to give in for repetition, but I do not find that any of them almost reached any thing valuable from their persecutors. The reasons for passing this act were printed at this time, and deserve a room in the notes.* And the

* *Reasons for rescinding the forfeitures.*

The persons forfeited, with the heirs of such as are deceased, and were forfeited during the two last reigns, specially since the first of January, 1665, do humbly crave, that a general act may be passed rescinding their forfeitures for the reasons following, viz.

1st, Because it is evident by his majesty's declaration, while prince of Orange, for the kingdom of Scotland, that the oppressions, and violent persecutions which these persons suffered, as well after as before their forfeitures, are there set down amongst the principal motives that induced his majesty to undertake for the relief of this kingdom; and that his said undertaking was accounted, by all good men, no less just and generous, than its success was happy and glorious.

2dly, Because it is no less manifest, that the greater part of the articles of the declaration of the estates against king James, such as the imposing of oaths contrary to law, the oppression of a standing army in time of peace, the imposing of exorbitant fines, the imprisoning persons without expressing the reason, the employing the officers of the army as judges, with their summary executions, and the like, were but continuations of what was begun in the preceding reign; and that the claim of right adding thereto many more particulars chiefly ascribable to that reign, such as the forcing men to depone in capital crimes against themselves, the abuse of torture, the sending of an army upon any part of the kingdom in an hostile manner in time of peace, the charging the illeges with law-borrows at the king's instance, the imposing of bonds without authority of parliament, the putting of garrisons in private men's houses, the fining husbands for their wives, the imprisoning and persecution of persons for petitioning the king, doth plainly hold forth, that both reigns were arbitrary and oppressive, so that to declare king James to have forfeit the right to the crown for the above-mentioned causes, and all other

act rescisory of fines and forfeitures shall shut up the public documents.† 1688.

particulars above set down, to be contrary to law; and yet not to restore the persons who suffered thereby, and the saddest part of whom sufferings it was to be made mad by the said oppressions, and forced to the extremity of rising in arms, would be very inconsequent.

3dly, Because the relief of those thus oppressed, and thereby forced to rise in arms, being really intended, to think to effectuate the same by reductions upon specialities, is neither advisable nor practicable, as may easily appear by what follows.

4thly, Because the persons forfeited, and now expecting to be restored, are above five hundred, and all the specialities that can be found by the greatest stretch of the most subtle invention, will not afford relief to fifty of the said five hundred; so that above four hundred and fifty, and these of the poorest and most distressed, must still remain in misery: besides, that by the making and allowing of the foresaid stretches to find out informalities, the rules, forms, and practice of the court of judicary, are like to be rendered uncertain and doubtful; which is of far more dangerous consequence, than any inconvenience that can be justly apprehended from a general act.

5thly, Because when the design is known and manifest, viz. to relieve and restore the foresaid persons forfeited, to go about to do the same under the colour of informalities, which can reach but a few, and the greater part of these few very lamely and constrainedly, is but to expose both the justice and prudence of the kingdom, unless at the same time the righteousness of these reductions be, by a general act, fairly owned and declared.

6thly, Because it is well known, that the first appearance of his majesty, when prince of Orange, for our relief and deliverance, was light and joy, and as life from the dead to all these afflicted persons; and that in effect they still are, and will perpetually prove the persons most true and faithful to his majesty, whereas their former persecutors did then sink into grief and despondency, so that it cannot be thought, that any true friend to king William will now offer to oppose these poor men's restitution.

But the great and common objection, is, to restore persons who were forfeited for rising in arms upon necessary standing laws, and clear and evident probation, were to lay down the worst of preparatives to encourage rebellions for the future. To which it is answered, 1st, That it is earnestly wished that the persons that make this objection may be well considered, whether they be biased by particular interest, or truly, and at the bottom approvers of the late proceedings against king James. 2dly, It is a known rule, that in criminals, as to either condemnations, or absolutions, precedents and examples are of no force. 3dly, That whatever the king and parliament shall now do, by their sovereign power, upon consideration of particular circumstances as to things, can never, in law or sense, be made a preparative to hinder the execution of standing laws for hereafter; it being most certain, that whenever these laws shall be transgressed or contravened, the alleging of things for a preparative found by king and parliament, to be distinguished by their circumstances, would

Thus I have laid before the world
1688. a true and impartial, but very im-

perfect account of the heavy persecution of
the church of Scotland, from the restoration

be of no force. 4thly. As these miserable attempts at Pentland and Bothwell-bridge were contrary to the standing law, so it is undeniable, that all the lesser attempts made throughout the kingdom, after the prince of Orange his arrival into England, against king James, before the meeting of the estates, do fall under the same construction; and that all the difference, as to this point, that can be made betwixt them, is, that (blessed be God) these had the far better success. 5thly. As in England they needed not a general act, so we see, that the late forfeitures have been reversed and rescinded upon such slender reasons, that if there had been need of a general act, their parliament had never stood to have passed it. 6thly. Can any man allege, that the rescinding of forfeitures for these former insurrections, can be a bad preparative to encourage insurrections for the future; but, at the same time, he must think, that the late great revolution may likewise be drawn into a far more mischievous consequence, a thought which certainly all honest men must abhor. And therefore, seeing that the oppressions of the forfeited persons are clearly acknowledged by the claim of right, their relief, more than insinuate by his majesty's declaration, while prince of Orange, their redress expressly assured by the meeting of the estates, their restitution plainly assented to by his majesty's printed instructions, the manner of their relief by specialities evidently impracticable and delusive, and that the forfeited persons themselves cannot fail to be amongst the true friends to king William, what reason can be adduced to hinder their restitution by a general act? specially seeing, that the alone publishing of this representation, may, and will undoubtedly cut off the ill consequence of a supposed preparative, to the end of the world.

But it is farther objected, that, as to many of these forfeitures, there are donators, and where donators are, forfeitures cannot be rescinded, unless the donators be particularly called, which at this time hath been omitted. To which it is answered, 1st, That if there were any weight in this objection, as there is none, it could only be objected with any probability against the reductions of particular forfeitures; but to say, that when the king and parliament proceed by virtue of their sovereign and legislative power, to rescind forfeitures in general, and that in prosecution of the states' claim of right, and after their having forfeited the late king James, for the causes, and in the manner we have seen, is neither reasonable nor tolerable. 2dly, It is denied, that donators need be called to reductions of forfeitures in parliament, *per modum justitiæ*, because in effect, they have no proper interest, in as much as all their interest is only founded in the gift, which is consequential to the sentence of forfeiture, and must of necessity stand or fall as the sentence is found to be just or unjust: and the gift being a free gift of his majesty, and the king and parliament together, reviewing the sentence, whether just or unjust, his majesty's advocate, the proper contradictor, being always present at such reductions, to affirm that the donators must be called to a cognition of this nature to be made by king and parliament, is evidently unnecessary. 3dly, The

proper case requiring donators to be called, is, when either their gifts are questioned, or there falls in a competition about them; but to think, that where the gift is free and gratuitous, as the king's gifts are, that the king, the author of the gift, with the parliament, having the sovereign authority of the kingdom, may not review the sentences upon which these gifts proceed, is obviously unjust and presumptuous. 4thly, Let search be made into the records, and it will be found, that this point was never before controverted, for albeit that it may be found, that sometimes a donator (and it may be two cannot be found) hath been called *ex super abundantia*, and it is like for the particular repeating and stating of his intromissions; yet generally it will appear, that to reductions, *per modum justitiæ*, donators were not called. Nor is there any ground here to distinguish betwixt reductions upon the head of irrelevancy, and reductions for want of due probation, seeing that on the part of these that gave sentence, both are alike unjust. And if it be alleged, that the donators, in the second case, should be called because he may supply the probation; it may be as justly affirmed, that he may be called in the first, because he may add to the accusation, which yet is by all denied; but the true reason of the parliament's practice in this case, is, because that donators have only gratuitous gifts; and as the king is their author, so the king and parliament have the sovereign power, and only proper interests to re-examine all such sentences, they being only pronounced at the king's advocate's instance, and the authority of the parliament supplying all defects. But 5thly, To put this question out of doubt, the records of parliament do afford plain, and almost parallel instances to the case in hand, that our parliaments have rescinded forfeitures without calling the donators, and that by a general act, where the case appears to be rather less favourable, as may be clearly seen in the instance of that general reduction of forfeitures that was in the year 1585, and in many other instances extant in the records of parliament.

There is another question here moved, whether transactions and compositions, made by the persons forfeited, or their friends for them, with their donators, can be declared void, and the sums paid, or agreed to be paid in composition, ordained to be restored; and some incline to think that this cannot be, in respect that here is a transaction which is an express bargain on the account of the hazard, and the faith of such transactions is so established by law, that they cannot be called in question: but on the other hand it is to be considered, that the difference of transactions from other bargains, is, that by a transaction something doubtful and litigious betwixt two parties is agreed, and the pretence of the one party remitted or discharged for some consideration to be given by the other, which being a method and expedient to terminate and put an end to pleas, the law has been more careful to preserve and establish such agreements: but by this it also plainly appears, that the bargains and compositions made with donators, were, in effect, no transactions, but plain bargains of purchase; for there being neither

to the revolution, with a short sketch of the justice done this church upon the back of that great turn of affairs. I wish it may be useful to fill the present 1688.

res, nor his dubia in the case, both the sentence and gift of forfeiture being clear according to the law for the time, it is evident, that the bargains that the donators made, were direct bargains of sale, for as high a price as they could get; and that they were alike ready to make over their gifts, either to the forfeited persons, or to strangers, which of them did bid most; so that if they sold these estates within the worth, it was not on the account of any pretension the buyer might have, either to the estate or the price of it, but merely from the common odium, and uncertainty of all forfeitures, which made them content to take what they could get from any hand whatsoever. 2dly, This may be yet farther cleared, if the case be put to the donators selling and disposing upon a forfeit estate to a stranger, in which case it cannot be questioned, but if the forfeiture came to be reduced, the person forfeited would be reponed to his estate, and the stranger purchaser have recourse, upon his warrandice, against the donator: how then the forfeit person, or his friend's purchase should be thought, in this point, to differ from the purchase of a stranger, is evidently inconceivable. It is granted, if the bargain had been expressly made with this condition, that no event or revolution, though reducing the forfeiture, should give ground of repetition, that then condition should be kept, the bargain, in this case, being a plain bargain of hazard, as of a *jactus retis*, or the like; but then, what composition in Scotland, whether with friend or stranger, was so concluded? 3dly, Suppose a bargain had been so made, yet it must be fairly and honestly made, without fear, force, or concussion, which leads to a fourth argument, viz. 4thly, *Esto*, That the compositions for forfeitures had been made upon these express terms, (as yet we know none in Scotland were) that the parties forfeited should not repeat their money, though the forfeiture should come to be reduced, yet even in this case, if this bargain was agreed to out of extreme necessity, the party forfeited having no other remedy to prevent the starving and ruining of himself and his family, can any rational man deny, but that this extremity going over by a happy change of times, the person who was thereby forced should be relieved of his bargain, and reponed against it? But so it is, that this is directly our present case, it being undeniable that the forfeit persons or their friends, who of late composed for their estates with donators, did do it merely for preventing the utter ruin of themselves, their families, and creditors, for being pressed with the severity of a forfeiture and rigid donator, that left them nothing, what stronger fear, force, and concussion could men be under? So that if law restore against bargains made through fear and force, as we know it doth, certainly restitution in the case in hand is the most just that ever was heard of, specially if it be considered, that this restitution is demanded from king and parliament, whose sovereign power may, and ought in equity to grant it, though, in the strict law, it were more doubtful, as indeed it is not. 5thly, Not to mention how at this time the whole kingdom is most happily relieved and discharged of bonds and

[IV.]

subscriptions, and even of oaths (which in law are more binding than transactions) formerly imposed, though by a necessity far inferior to that whereby these compositions were extorted, do we not see how, that by the act, debtor and creditor 1661, the faith of private bonds was upon, for less considerations, altered and superseded, and even express bargains, concerning proper wadsets, clearly innovate, and renunciations upon agreement discharged. If then the parliament did, at that time, think fit, upon bare reasons of conveniency, to make such stretches upon private bargains fairly concluded, can any rational man think, that compositions so visibly extorted upon such unjust grounds, as the late forfeitures were, should now be sustained? 6thly, Was it not upon this most just consideration, that his majesty, in his printed instructions, allows his consent to be given to what the parliament should propose for restitution to be made of fines, or compositions for fines or forfeitures, from those who had the benefit of them, so that indeed it may justly be wondered, how that after the oppressions we have seen, and the force that men have been laid under to redeem their estates from them, by giving often more than the half to such as assisted to spoil them, any should have the confidence, either to call such compositions legal transactions, or to plead, that they ought still to be regarded as binding, specially after that his majesty hath so clearly declared himself in this point. But 6thly and lastly, And for superabundance it is certain, that, in many cases, the donators did compound or sell the estates forfeited without any consent of the party forfeited. And farther it can be made appear, in some cases, that men did always refuse to consent to the bargain, so that, to allege a transaction in these cases, to bar them, or their friends from repetition, were most absurd.

In respect whereof the general act ought to pass, as it is conceived, and unanimously voted by the committee of parliament.

† *Act of parliament rescinding fines and forfeitures.*

Our sovereign lord and lady, the king and queen's majesties, and three estates of parliament, in prosecution of the claim of right, and for relief of their majesties' good subjects, and the better settlement of the peace, quiet, and tranquillity of this kingdom, by the tenor hereof declare, statute, and ordain, that the decreets and dooms of forfeiture pronounced against the persons after-named, viz. Robert Buntin in Phinnick parish, John Hart in West-quarter of Glasgow, Robert Scot in Shavock, in the parish of Dalsersf, Matthew Paton shoemaker in Newmills, John Grier in Four Merk Land, John Graham servant to John Gordon of Midtown, James Smith in Old Letham, Alexander Macmillan in Carsfairn, James Macmillan in Mondrogat, George Mackartny in Blairkenney, John Short in the parish of Dalry, Cornelius Anderson tailor in Ayr, James Blackwood servant to John Brown in Phinnick parish, William Welsh in the parish of Kilpatrick, John M'Coul son to John M'Coul in Carsfairn, James Muir-

and rising generation with a just de-
1688. testation of the antichristian spirit of

persecution, so contrary to our holy Chris-
tian religion; may it tend to revive the de-

head in the parish of Irongray, Captain Andrew Arnot, Major John M'Culloch, Gavin Hamilton in Mauldsley in Carluke parish, Christopher Strang tenant in Kilbride, John Gordon of Knockbreck, Robert Gordon brother to the said John, John Parker walker in Kilbride parish, John Ross in Mauchline, James Hamilton tenant in Kittimuir, John Shields in Ittwood, Mr Alexander Robertson, John Wilson in Corsack, George Crawford in Cumnock, John Lindsay in Edinburgh, John Gordon in the parish of Irongray, Mr Hugh M'Kell, Thomas Lennox, Umphrey Colquhoun, Ralph Shields clothier in Ayr, William Pedin merchant there, John Wardrop merchant in Glasgow, Robert M'Millan, John Wilson in the parish of Kilmawers, Mungo Kaip in Evandale, Colonel James Wallace, Major Joseph Learmont,

M'Clellan of Barscob, Mr John Welsh, Mr James Smith, Patrick Listoun in Calder, William Listoun his son, William Porterfield of Quarreltoun, William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kersland younger, Mr John Cuninghame of Bedland, Alexander Porterfield brother to Quarreltoun,

Maxwell younger of Monreiff, M'Clellan of Balmageichan, Robert Cannon of Mondrogat younger, Robert Chalmers brother to Gadgirth, Mr Gabriel Semple, Mr John Guthrie, Mr Alexander Pedin, Mr William Velch, Mr John Crookshanks, Patrick M'Naught in Cumnock, Mr John King, Mr John Kid, Andrew Sword, Thomas Brown, John Waddel, John Clyde, James Wood, Patrick Macdougall of Freuch, Mr William and Alexander Gordons elder and younger of Earlstoun, Mr William Ferguson of Kaitloch, James Gordon of Craichly younger, Patrick Dunbar younger of Machrimoir, William Gordon of Culvenan, John Bell of Whiteside, John Gibson of Auchincheyn, Gibson younger of Inglishtoun, Gordon of Dunduch, Grier of Dalgour,

Smith of Kilney, M'Clellan of Balmageichan, Thomas Bogle of Boglehole, James Baird of Dungeonhill, Gordon of Grange, Lennox of Irelandtown,

Gordon of Bacharrow, John Fullarton of Auchinhee, David M'Culloch son to Ardweil, William Whitehead of Millhouse, John Welsh of Cornley, Neilson of Corsack, Robert M'Clellan of Barscob, Samuel M'Clellan his brother, Fullarton of Nether-mill, George Mackartney of Blacket,

Gordon of Gararie, Alexander Gordon of Knockgray, Herron of Littlepark, Gordon of Holms,

Gordon of Overbar, John M'Naught of Culquhad, Patrick Murdoch, alias Laird Murdoch, Binning of Dalvennan, Major Alexander Ross, John Malcolm, Archibald Alison, James Skene brother to the Laird of Skene, John Potter, Archibald Stuart, Isobel Alison, Marian Harvey, Thomas Turnbull of Standhill, Walter Turnbull of Bewlie, John Murray, Christopher Miller, William Gogar, Robert Sangster, David White smith in Lanark, Gideon Weir gunsmith there, David Gibson there, John Wilson writer in Lanark, Mr

Thomas Pillans, James Lawrie writer there, Archibald Simpson there, Thomas Lanchlan there, William Ferguson there, John Semple mason there, Thomas Inglis there, Alexander Anderson there, John Pumphray there, John Jack in Nemphiar, William Padzean mason in Lanark, Robert Lockhart of Birkhill, Gavin Hamilton of Hill, James Weir of Johnshill, John Steil in Over-water-head, John Haddaway in Douglas, James White in Douglas, William Falconer in Hamilton, Arthur Tacket there, Gavin Wetherspoon of Heatherknow, John Eastoun portioner of Gairnqueen, Robert Goodtown maltman in Glasgow, James Cunningham merchant there, Isaac Blackwell son to Thomas Blackwell there, William Riddel feuar of Rutherglen, Robert Fleming of Auchinfin, John Hamilton feuar of Rogertoun, Thomas Craig feuar in Jacktoun, John Miller younger of Longcalderwood, John Wilson of Highfleet, Robert Steven feuar of Newland, John Steil of Windhill, John Cochran of Craig, James Dykes of Halburn, John Cairnduff feuar in Jacktoun, Thomas Paton at the old kirk of Cambusnethan, John Whitelaw in Bothwellshields, John Paterson there, John White of Newk, Thomas Lin of Blairachin, Gilbert Mackilwraith of Dumorchie, Thomas M'Jarrow of Bar, John M'Jarrow of Pingerroch, Henry M'Garroch of Altbany, George M'Lure of Bannan, Mackilwraith of Auchinfin, John M'Alexander of Dumochrein,

M'Mickan son to M'Mickan of Kilstionian, Alan Bowie son to Bowie of Drumly, Adam Philip, Andrew Pittilloch, Laurence Hay,

Mr Donald Cargil, Mr James Beick, Mr Walter Smith, William Thomson, William Cuthill, Patrick Foreman, Robert Garnock, David Farrie, James Stuart, Alexander Russel, William Murray of Meadowhead, Archibald earl of Argyle, George Arthur of Bonahill portioner of Balwhatstone, James Ure of Shargertoun, Donald Connel portioner of Bucklyvie, Thomas Russel of Middlerig, Edward Marishal heritor of Kaemuir, John Taylor elder in Holehouse, John Shaw son to John Shaw of Eastergreenhill, George Mochrie far of Stonerig, Thomas Ferguson of Finnarts, William Harvey in Lanark, Christian Fife, Robert Gray Englishman, James Robertson, John Finlay, William Cochran, Samuel Grierson of Dalgowar, William Grierson of Lochwharrie, James Welsh of Littleclowden, John Brown heritor in Newton, Henry M'Culloch of Barholm, Anthony M'Kay of Cloncaird, Hay of Ariellan, Andrew Martin of Littlearries, Fullarton of Senwick, Halliday of Mayfield, Mr Thomas Verner minister, Mr Samuel Arnot minister, George Gordon second son to Holm, Alexander M'Naught younger of Overtoun,

Crichton of Hole of Balquhassie, Alexander Hunter of Balquhassie, Alexander M'Kay of Drumbowie, Alexander Hume portioner of Hume, Cunningham of Montgrenan, William Lawrie of Blackwood, John Menzies of Dalquhairn, Robert Hamilton brother to the laird of Preston, William Boig in Auchinroch in Campsie parish, John Russel portioner of Eastfield, Gavin Paterson feuar in Bothwell-

erayed sense of the greatness of the mercy of the revolution, and help to confirm and

perpetuate our present feeling of the vast mercy of our second, and some

shields, Robert Russel of Windyedge, Mr Thomas Hamilton of Raith, James Hamilton of Parkhead, James Maxwell of Williamswood, John Maxwell portioner of Bogton, Robert Lockhart of Bankhead, Andrew Brown of Duncanzemen, Mr Matthew Campbell of Waterhouse, James Brown in Newmills, John Paterson in Daldilling, Adam Reid in Mauchline, John Crawford of Torshaw, John Wilson younger of Lindsayhill, Mr John Halbert, James M'Neillie of Auchinairn, Colonel John Burns, Robert Hamilton of Monkland, Edward Atkin, Mr John Dick son to David Dick writer in Edinburgh, John Whitelaw, Arthur Bruce, William Cochrane, George Martin sometime notar and reader at Dalley, John Ker wright sometime in the parish of Hunnum, James Muir at the Crossfordboat, Henry Hall of Haughhead, Mr John Menzies of Winterclench or Hangingshaw,

Calderhead younger of Windyedge, Henry Boswell portioner of Dunsystoun, Robert Steel portioner of Stain, John Meek portioner of Hinselwood, James Howison maltman in Lanark, John Cochran of Waterside, John Paton of Meadowhead called Captain Paton, Thomas Herkness in Locherbane, Andrew Clerk sometime in Leadhills in Crawford parish, Samuel M'Ewen in Glencairn parish, James Nicol in Peeblesshire, William Young in Lanarkshire, John Hutchison portioner of Newbottle, John Semple, John Watt, Gabriel Thomson, George Jackson, Thomas Wood, James Graham, Thomas Robertson, Mr Robert Bailley of Jerviswood, Walter sometime earl of Tarras, Robert Miller in the parish of Rutberglen, Robert Pollock shoemaker in Glasgow, Thomas Kennedy of Grange, John Porterfield of Douchal, John M'Kay of Larga, John Russell of Careraig, John Russell of Arnes, John M'Quharrie, James Smith, James Lawson, Alexander Wood, Alexander Vallange, James Kirkwood, Sir John Cochran of Ochiltree, Sir Patrick Hume of Polwart, George Pringle of Torwoodlee, Mr Robert Martin late clerk to the justice court, Mr Robert Fergusson sometime chaplain to the earl of Shaftesbury, Thomas Stuart of Cultness, Sir Hugh Campbell elder of Connock, Sir George Campbell younger thereof, George lord Melville, David Montgomery of Langshaw, Richard Rumbold Englishman, David Stuart son to Thomas Stuart of Cultness, Mr William Spence servant to the earl of Argyle, William Denholm of Westshields, James Stuart advocate, Mr Gilbert Elliot, Thomas Stodhart, James Wilkison, Matthew Bryce, Archibald Campbell, David Law, Gavin Russell, Mr Thomas Archer preacher, Mr Charles Campbell son to the late earl of Argyle, Archibald Campbell son to the lord Neil Campbell, Mr John Campbell son to the earl of Argyle, John Nisbet called of Hardhill, Andrew Fletcher of Saltoun, Sir Duncan Campbell of Auchinbreck, Donald Campbell of Barbrack, John Campbell younger of Melford, John Campbell of Knap, Mr Alexander Campbell advocate, Dugald Campbell of Kilberrie younger, the deceased Alexander M'Millan of Drummore, Donald M'Neil of Creir, Duncan Campbell of Corridel, Alexander Campbell of Otter, Major Henderson, Captain

John Fullarton, Mr George Wishart preacher, Mr Alexander Hastie, Robert Elphinstone of Lapuiss, Captain John Henry, Patrick Campbell son to Mr John Campbell, called Black Patrick, Patrick M'Arthur of Inchrine, Archibald M'Kilvernock of Oab, Ivor M'Ivor, alias Campbell of Arshneish, the deceased Dugal M'Avish of Dinardrie, Neil Campbell of Evenachan, Campbell of Kildaivine,

Ker of Kersland younger, John Campbell of Dargachie, Robert Campbell his brother, Alexander M'Arthur captain to the late Argyle, Collin and Duncan Campbell elder and younger of Allangreg, James sometime duke of Buccleugh and Monmouth, Donald Campbell of Belnabie, Archibald Campbell of Dana, Duncan Campbell of Culgatro, Angus M'Lachlan of Barnagad, Allan M'Lachlan of Dunnad, Collin Campbell of Blairintibert, the deceased Donald Campbell of Drumfin, Donald Campbell of Oab, Duncan Campbell elder of Drumfin, Angus Campbell of Daltonte, John Campbell of Ulva, Alexander Lamont of Monydrynau, John Campbell of Ardtarrich, John M'Chinnie of Invernydane, Alexander M'Clunie of Keanlochlean, Archibald M'Phinnie of Drip, Alexander Campbell younger of Sonarachan, James Wilson in Mosshead of Lochwinnoch, John Anderson younger of Westerton, James Boyle called Mr James Kenwick precentor, Mr James Kenwick a preacher, Mr Gabriel Maxwell minister, Andrew Martin of Little-arries, Andrew Meek in Carnwath parish, John Stuart son to James Stuart in Drumby, Nicholas Cochrane portioner of Melrose, John Cochrane of Chapel, Robert Fullarton of Bennela, John Wilson, Mr Thomas Pillan, Archibald Simpson, Alexander Anderson, John Semple, William Padzean, Thomas Inglis, Thomas Lachlane, William Ferguson, Alexander Brown, Gideon Weir, James Howison, James Alger in Kennets-head, Park in the shire of Renfrew, John Hutchison of Harlaw, Captain James Wishart: and generally, all and whatsoever decreets and dooms of forfeitures, given and pronounced against any of the subjects of this kingdom, either by the high court of parliament, or ordinary, or circuit courts of justiciary, or any other court or commission, from the first of January, one thousand six hundred sixty-five, to the fifth day of November, one thousand six hundred eighty-eight, with all escheats fallen upon the ground of the said forfeitures, since the said day, are, and shall be void, and of no avail, force, strength, nor effect, in all time coming; rescinding and reducing the same for ever, except the decreets of forfeiture pronounced against Patrick Roy M'Gregor, Patrick Drummond, Alistair More M'Gregor, John M'Intosh, and Philip Stansfield: and in like manner, all and sundry infeftments, charters, precepts, instruments of sasine, presentations, and other rights whatsoever, of lands, heritages, tiends, and possessions, made and granted, and proceeding upon the said forfeitures and burnings, to, and in favours of, whatsoever persons, mediately or immediately, with all decreets and sentences given and pronounced by any judges, consequent, depending upon the said forfeitures and burnings, are void and null from the beginning, and of no force, strength, nor ef-

1688. way greater revolution, by our only lawful sovereign king George, his

seasonable and peaceable accession to the throne of Britain and Ireland, and tend to

feet; and that without any special process of reduction, or other declarator, to follow thereupon. Declaring this present act as sufficient to all parties concerned, as if the said sentences of forfeitures and hornings, with the said charters, dispositions, and other rights and titles whatsoever, with the decreets and sentences following thereupon, were specially and orderly retreated and reduced, and as all parties having interest had been specially called thereto. Likewise, their majesties, and three estates, rehabilitate, reintegrate, and restore so many of the said persons as are living, and the memory of them who are deceased, their heirs, successors, and posterity, to their goods, fame, and worldly honours, and to use all lawful acts and deeds in judgment, and outwith the same, and to all and sundry their lands, heritages, tacks, steadings, debts, and possessions whatsoever, which they, or any of them had the time of the leading of the said process against them. Declaring always hereby, that where the debtors of the forfeit persons have made payment *bona fide*, upon distress, to donators, or others having right from them; such debtors are hereby fully exonerated and discharged, allowing to the party forfeited, recourse against the donator alienarily. And also, their majesties and three estates, decern and declare, that the children of the persons forfeited since the said first day of January, one thousand six hundred sixty-five, are, and shall be, habil to enjoy, bruik, and claim all rights pertaining, or that may righteously pertain to them; and that all the deeds granted by any of the persons forfeited, to any others of their estate, real or personal, or any part thereof, be as valid as if they had not incurred the said sentences. Declaring it lawful to the persons forfeited, and their children, to succeed to their predecessors by brieves, or otherwise, notwithstanding of the said dooms of forfeiture, which are hereby ordained to be buried in perpetual oblivion. And further, their majesties and three estates, ordain the persons forfeited, and the heirs of them who are deceased, to be fully repossessed to their lands, teinds, heritages, tacks, or possessions, whereof they or their predecessors were in possession, the time when they were challenged for the deeds whereupon the forfeitures followed, with full right and access to all bygones since the term of Martinmas, 1688, inclusive, with all other bygones yet resting unuplifted in the tenants' hands: as likewise, to all bygones whatsoever, intromitted with by any donator or his assignee, in the case of special reasons, and acts to be past thereanent, in manner after-mentioned. Likewise, their majesties, with advice and consent of the said estates, do discharge all fines yet unpaid, which were imposed by sentences from the first of January, one thousand six hundred sixty-five, to the fifth of November, one thousand six hundred eighty-eight, upon any person or persons for church-irregularities, or nonconformities, or refusing of public bonds, subscriptions, and oaths, or for not obeying acts, proclamations, or orders thereanent, resetting of, or conversing with, rebels, for the causes foresaid, refusing to depone on libels against themselves, in capital cases, albeit restricted to arbitrary punishment, and any bonds granted for these fines, with all hornings,

denunciations, and intercommunings, given, pronounced, and issued forth in parliament, or by any other court or commission, against any persons for the said causes: and remit to the commission appointed by this act to consider the grounds of repetition of such of the said fines as are already paid to donators, or others having right from them, and other private parties. And it is hereby declared, that it shall be lawful to any of the said persons or parties forfeited, who are hereby restored, who have composed either by themselves or others, with any donators, or others, for their forfeitures or escheats following upon the grounds of the said forfeitures, to repete from the said donators, and others, and their heirs and successors, all and whatsoever sums of money paid for the said compositions, and that all bonds and other securities given for payment of the said compositions for forfeitures, and escheats following on the grounds thereof, and not yet paid, nor the sums uplifted, are, and shall be for hereafter null and void; excepting always herefrom, the bond granted by James Weir, and others, to the earl of Airly, for a composition of the said James Weir his forfeiture, to which bond the lord Rutherford has right, without prejudice to the forfeited person, debtor in the bond, to have repetition and recourse against the donator, or any assignee from him, without onerous causes. And their majesties, with consent foresaid, declare, that the said donators, and others, and their forebears, are, and shall be, liable to refund the said sums so paid, and give back the said bonds and securities to the parties concerned; declaring likewise, all rights of such persons, who have composed and acquired rights of forfeitures, fines, escheats, and others foresaid, by warrant, and commission from, and to the behoof of the persons forfeited, fined, or denounced, or their apparent heirs, or nearest of kin, or by warrant and commission of the relations of minors, for their behoofs, to be good and valid: which persons are hereby understood, not to be defrauded of the money laid out by them, but are to be paid with deduction of their intromissions, and are to retain the rights acquired by them, for security thereof, they always restricting their possession, by virtue of the same, to the payment of the annual rents of the said compositions. And because there is no reason that the foresaid persons forfeited, and thereby dispossessed of their estates, should be liable to pay annual rents to their creditors, during their being dispossessed, (excepting always such persons as, upon special acts, shall obtain repetition of their bygone rents,) therefore their majesties, with consent foresaid, do remit to the commission appointed by this act, to consider how far the said forfeited persons ought to be liberate of their bygone annual rents, during the time foresaid. As also, if their cautioners, who were not forfeited, ought to be liberate of the said annual rents at the hands of the creditors, and what time hereafter shall be allowed to the said forfeited persons and their cautioners, for making payment of the principal sums, and bygone annual rents, during which time, diligence, at the instance of the creditors, is to be superseded, and if the diligence to be superseded shall be only personal. More-

quicken and stir up all good protestants in those kingdoms, to a faithful and prudent

contending for the faith handed down to us through so much blood and suf- 1688

over, their majesties, and estates of parliament, by thir presents, freely remit and discharge all unlaws, penalties, and excheats, adjudged in the justice-court, or other courts, and all sums of money that may be asked for contravention of any bond or act, on the accounts above-mentioned, made to the two late kings, since the said first day of January, 1665, either from the principals, or their cautioners, which are yet resting unuplifted. And seeing many of the lieges were spoiled and plundered without any previous sentence, and bonds and other rights were extorted, or exacted from them through fear and terror, their majesties, with advice and consent foresaid, ordain the creditors, or others having right, to deliver up to the debtors, all bonds, and other rights, extorted or exacted upon the accounts foresaid, and where the bonds are registrate, to grant discharges thereof, bearing a clause of registration, and that betwixt and the first of November next, under the pain of the double of the penalty in the bond, to be decerned against them without any modification, in case the bonds be found to have been extorted, or exacted in manner foresaid, and insisted for, or not delivered up to the debtors therein. And likewise ordain the clerks of the privy council, and the clerks of any other courts, general receivers, and others, who have in their hands bonds which were extorted, or exacted on the accounts foresaid, to deliver up the same to the debtors, if they be required; and allow the foresaid persons, spoiled and plundered, to pursue for repetition of the damages and spoils on the accounts foresaid, for which bonds were not granted, either before the commission appointed by this act, or the judge ordinary, as they please; and appoint the lords of session, upon probable grounds, to grant suspension of any charges to be given on the foresaid bonds, without caution or consignation, and that gratis without payment of any dues. And their majesties, and estates of parliament, being willing that this present act be inviolably and irrevocably kept, ordain the same, and whole clauses thereof, to be interpret by all judges and ministers of the law, in the most extensive sense and construction the words can bear, in favours of the persons forfeited, fined, denounced, or otherwise leased, as said is. And forasmuch as, since the intenting of the said processes of forfeitures and fines, and since the denunciation of some of the said persons to the horn, or their being charged upon bonds to enter in ward, or to depart off the realm, or that, for other necessary and probable causes, they were absent, or forth of the realm, and had not free access to compare for pursuit and defence of their actions, sundry processes are led, and decreets given, and other proceedings had not only against themselves, but also against the minors, who were in their tutory and curatory, to their great prejudice and hurt; therefore their majesties, and estates of parliament, for remeedy thereof, do hereby reponne the said persons to their lawful defences, and do allow the probability and necessity of their said absence to be tried, either by way of suspension, exception, or reply, in the first instance, but any further process, or summons of reduction, and also for reparation of losses sustained by falling,

or running of wards, non-entries, and other casualties, or of shorter prescriptions, through absence of the persons when forced, by the severities foresaid, to flee the country and withdraw. Their majesties, with advice and consent foresaid, hereby reponne and restore them against such casualties, fallen during their absence, which they might have prevented, if they had been present, declaring, that as to casualties fallen before their absence, the years of their absence shall be discounted, both as to the casualties, and as to the said shorter prescriptions. Attour their majesties considering, that the wives or relicts of several of the persons above-mentioned, who had right to the jointures out of their husbands' estates, were prevailed upon, by donators and others, in respect they wanted confirmations, to assign and make over their jointures to, and in favours of the said donators, and others deriving right from them, upon their getting security for a lesser life-rent out of their husbands' estates from the donators, and others having right from them, or in regard foresaid, for some other cause no ways adequate to the value of their life-rent, therefore their majesties, with advice and consent foresaid, declare all such bargains void and null, and hereby reponne and restore the relicts to their former jointures, assigned and made over, as said is, they always refunding to the donators, and others deriving right from them, after counting and reckoning, whatever was given them in lieu of their said jointures. And it is hereby declared, that this present act shall be as valid and effectual to all others our lieges forfeited, fined, or otherwise leased, as foresaid, from the said first day of January, 1665, to the fifth day of November, 1688, and not here named, as if they had been particularly here insert. Declaring likewise, that this present act is without prejudice of any who have been forfeited, fined, or otherwise leased, in manner, and upon the grounds foresaid, in the reign of king Charles II. before the year 1665, to bring in their processes, or particular acts, before the parliament, or such as they shall appoint for that effect, and to crave and receive redresses according to the merit of their causes, as accords of the law; and further, but prejudice of any of the persons particularly or generally above-mentioned, who are restored by this present act, to bring in particular acts of parliament, rescinding the decreets of forfeiture passed against them upon such special grounds of nullities and injustice as they can instruct, and that both for restitution *per modum justitiæ*, and repetition of all bygones, either before the parliament itself, or such as they shall appoint for that effect. And their majesties, with advice and consent of the said estates, do hereby dissolve from the crown and patrimony thereof, any of the estates belonging to the said forfeit persons, which were annexed to the crown since the year 1665, and for the full and more effectual redress and restoration of persons forfeited and fined, whether here specially insert or not; and for the repetition of compositions and sums of money paid by them, or by any others their majesties' lieges, as aforesaid. And to the effect that all to whom the benefit of this act is competent, and who find it necessary for them to

1688. fering, and fix us in the deepest abhorrence of all wicked attempts in favour

of popery, and all attacks upon our holy reformation, and valuable civil liberties.

apply, may have the benefit thereof applied to them; as also, that the claims and pretences of all donators and their singular successors, for onerous causes, may be cognosed upon, tried, discussed, and determined in parliament, their majesties, with special advice and consent of the three estates, do nominate and appoint the persons after-named, as a commission of parliament, viz. the earls of Crawford, Morton, and Leven, the viscount of Kenmure, the lords Carmichael and Ruthven, Sir Robert Sinclair of Stevenson, William M'Dowal of Garthland, Thomas Dunbar of Grange, Duncan Forbes of Culloden, John Dempster of Pitliver, and Hugh M'Guffock of Rusco, Sir John Hall lord provost of Edinburgh, Alexander Spittal of Leuchat commissioner for Inverkeithing, Mr James Smallet commissioner for Dumbarton, Mr Robert Cleland commissioner for Anstruther-wester, Mr John Boswell for Sanquhar, and Sir William Hamilton commissioner for the Queensferry, to meet at the high town council-house of Edinburgh, the first Tuesday after the adjournment of this session of parliament, at ten o'clock in the forenoon, and thereafter upon such days, and at such times as they shall think fit to appoint, and any seven of them to be a *quorum*, with full power to the said commission, or their *quorums*, to receive the claims or allegances of all persons, to whom the benefit of this act is competent, or who may be otherwise therein concerned, and upon citation of all parties having interest therein, to hear and discuss their claims and allegances, and for that effect to issue citations, and to take all trial for verifying the said claims, and to

prepare and report their judgment thereanent, to the next session of this, or any other ensuing parliament. And specially, but prejudice of the generality foresaid, their majesties, with consent foresaid, do remit to them to consider the cases after-mentioned, viz. of Mr Francis Montgomery of Giffan, anent the lands of Hillhead, of the laird of Grant, anent the fine of Brodie of Lethin, of Sir John Hall, anent the laird of Brodie's fine, of Mr Roderick M'Kenzie younger advocate, anent the forfeiture of Dalvennan, of Charles Oliphant of Langtoun, anent the forfeiture of Patrick Liston, of John Ferguson of Donaldtoun, anent the forfeiture of M'Culloch of Barholm, of the laird of Orbiston and William Hamilton of Wishaw, anent the forfeiture of Monkland, of Hugh Stevenson, anent the forfeiture of Montgrenan, the case of the earl of Balcarraz, anent the refunding of the composition paid to him for the forfeiture of Denholm of Westshiels, of the earl of Glencairn, anent the forfeitures gifted in his favours, the case of Andrew M'Millan of Craignel, and his heirs, against Hugh Wallace of Inglishtoun, of Hugh Kennedy younger of Ardmillan, concerning Thomas Ferguson and Captain William Seton, and the case of John Anderson of Dowhill, anent the fine of ten thousand merks, which he was necessitate, upon a sentence, to pay to the donator, for the escape of Thomas Blackwell out of the tolbooth of Glasgow, to hear the parties concerned, and to report, as said is. Declaring lastly, that this present act, nor no part of it, shall be anyways invalidate by the act *salvo jure*, to be passed in this present parliament.

APPENDIX.

CHARACTER AND DESIGNS OF CHARLES II. AND JAMES II.

It has often excited surprise, that the friends of true religion in Scotland and England, should have been so utterly blinded with regard to the real character of Charles, as to cherish such sanguine hopes both of the steadiness of his principles and the consistency of his general character. I am inclined to think, that this was owing, in no small degree, to the flattering accounts which were transmitted to the leading nonconformist ministers at London, by the most celebrated divines of the protestant church of France, about the period of the restoration. Of these letters we have copies published in a collection of papers called "The Phoenix," and they all concur in bearing testimony to the hopeful character of the young prince. How the worthy men of the continent came to be so egregiously imposed on, we shall not attempt to explain; but we can have no difficulty in accounting for the weight that was attached, both in England and in Scotland, to a testimony in his favour every way so unexceptionable.

The following account of the closing scene of Charles' life, as given by Barillon, the ambassador of Louis XIV. at the court of London, will be read with deep interest; and its authenticity is beyond all suspicion. It is extracted from the appendix of original papers in Mr Fox's historical work.

"Despatch from M. Barillon to the king.

"The letter which I have the honour this day to address to your majesty, is solely to transmit to your majesty an exact account of the most important events which took place at the death of the late king of England. His illness, which began on the morning of Monday the 12th of February, took different turns during the following days; sometimes he was thought to be out of danger, but afterwards some circumstance happened, which gave reason to believe his disorder was mortal; when at length, about noon on Thursday the 15th of February, I was informed from a good quarter, that there was no longer any hope; and that his physicians did not think

he could survive the night. I immediately after went to Whitehall: the duke of York had given orders to the officers who kept the door of the antechamber, to allow me to pass at all hours; he remained constantly in the king's chamber, except when he came thence to give orders respecting what was passing in the town. The report was several times spread during the day, that the king was dead. As soon as I arrived, the duke of York said to me, 'The physicians think the king is in the greatest danger; I beg you will assure your master that in me he will always find a faithful and a grateful servant.' I remained in the king of England's antechamber till five o'clock; the duke of York invited me several times into the room, and conversed with me about what was passing without-doors, and of the assurances he had received from all quarters, that every thing was very quiet in the town, and that he would be proclaimed king the instant his brother should expire. I retired for some time to the apartments of the duchess of Portsmouth; I found her overwhelmed with grief; the physicians having deprived her of all hopes. Nevertheless, instead of speaking to me of her sorrow, and of the loss she was about to sustain, she led me into a closet, and said to me; 'Monsieur ambassador, I am going to tell you one of the greatest secrets in the world, and if it were known, would deprive me of my head. At the bottom of his heart the king of England is a catholic; but he is surrounded with protestant bishops, and nobody informs him of his situation, or speaks to him of God. I cannot with decency again enter his room; besides, the queen is almost always there. The duke of York is employed about his own affairs, and has too many of them to allow him to take that care which he ought about the conscience of the king. Go and tell him, I have conjured you to advise him to think on what can be done to save the king's soul:—he is master of the king's room, and can cause to withdraw whoever he pleases. Lose no time, for if there be the least hesitation it will be too late.'

"I immediately returned to the duke of York. I begged him to pretend to go to the apartment of the queen, who had quitted the king's room,

and whom they had just let blood, she having saluted; the room communicates with both the apartments; I followed him to the queen's, and told him what the dutchess of Portsmouth had said to me. He seemed as if he had awaked from a dream: "You are right," he said "there is no time to lose. I will sooner hazard every thing than not do my duty on this occasion." He returned to me an hour after, under pretence of again visiting the queen, and told me he had spoken to the king his brother, and that he found him determined not to receive the sacrament, to which the protestant bishops were pressing him; that this had very much surprised them; but that some of them would always remain in the king's room, unless he found a pretext to cause every body to retire, in order that he might speak to the king his brother with more freedom, and induce him to make a formal abjuration of heresy, and to confess himself to a catholic priest.

"We thought of various expedients; the duke of York proposed that I should ask to speak with the king his brother, as if to communicate something in secret to him from your majesty, and that every body should be ordered to withdraw. This I offered to do; but I represented to him, that, besides the noise such a proceeding would make, there was no colourable pretext to justify my remaining in private with the king of England and him alone, so long a time as was required for the accomplishment of what we had to do. The duke next thought of bringing the queen, as if to take a last farewell of the king, and to beg his forgiveness if she had disobeyed him in any thing; and that he should perform the same ceremony. At last, the duke of York determined to speak to his brother before all that were present, but in such a way as no one should understand what he said; because this would remove all suspicion, and it would be imagined that he was only consulting him about state affairs, and what he wished should be done after his death; therefore, without any more precaution, the duke, after having forbid any one to come nigh, stooped down to his brother's ear; I was in the room, and more than twenty persons at the door, which was open; what the Duke said was not heard; but the king of England said aloud from time to time, '*Yes, with all my heart.*' He made the duke sometimes repeat his words, because he did not hear very well; this lasted about a quarter of an hour; the duke of York then left the room, as if to go to the queen, and said to me, 'The king has consented to my bringing him a priest; I dare not bring any of the duchess's, they are too well known; send quickly and seek one.' I told him, I would do it with pleasure, but that I thought too much time would be lost, and that I had just seen all the queen's priests in a closet near to her cham-

ber. He replied, 'You are right. He perceived at the same instant the count of Castelmelhor, who warmly embraced the proposition I made him, and took upon him to speak to the queen. He returned in an instant; and said to me, 'Though I were to endanger my head in this business, I would do it with pleasure; but I know none of the queen's priests who understands and speaks English.' Upon this, we resolved to send in search of an English priest to the Venetian resident's; but as the time admitted no delay, the count of Castelmelhor went to the room where the queen's priests were, and there found among them a Scotch priest, named Hudelston, the man who saved the king of England after the battle of Worcester, and who had been excepted by act of parliament in all the laws enacted against the Roman Catholics and the priests; they gave him a wig and cassock, to disguise him, and the count of Castelmelhor led him to the door of an apartment which communicated by a small flight of steps with that of the king. The duke of York, whom I had informed that all was ready, sent Chaffinch to receive and conduct Mr Hudelston: he next said aloud, 'Gentlemen, it is the king's wish that every body should retire, except the earls of Bath and Feversham.' The former is first lord of the bed-chamber, and the latter was this week in waiting: the physicians withdrew into a closet, the door of which was shut; when Chaffinch brought in Mr Hudelston. In presenting him, the duke of York said, 'Sire, here is a man who saved your life, and who comes at this moment to save your soul.' The king replied, 'He is welcome.' He then confessed himself with sentiments of great piety and repentance. The count of Castelmelhor had taken care to have Hudelston instructed by a Portuguese bare-footed Carmelite what he was to say to the king on such an occasion, for of himself he was a man of no great acquirements. But the duke of York told me he acquitted himself very well, and made the king formally promise, in case of his recovering, to declare himself openly to be a Catholic. The king next received absolution, the communion, and even the extreme unction. All this lasted about three quarters of an hour. The persons in the antechamber looked at one another, but nothing was expressed except in looks or whispers. The presence of the earls of Bath and Feversham, who are protestants, has somewhat removed the apprehensions of the bishops; but, nevertheless, the queen's women, and the other priests, saw so much going and coming, that I do not imagine the secret will be long kept.

"After the king of England received the sacrament he had a short respite of his illness. It is certain that he spoke more intelligibly, and had more strength; we had already begun to

hope that God was willing to work a miracle in curing him; but it was the opinion of the physicians that his malady was not diminished, and that he could not survive the night. However, he appeared much easier, and talked with more feeling and understanding than he had yet done, from six o'clock in the evening till eight o'clock the next morning. He spoke several times aloud to the duke of York, in terms full of affection and friendship; he twice recommended to him the duchess of Portsmouth, and the duke of Richmond; as also all his other children. He made no mention of the duke of Monmouth, neither good nor bad. He often testified his confidence in God's mercy. The bishop of Bath and Wells, who was his private chaplain, said some prayers, and spoke to him of God; the king moved his head to show he heard him. The bishop was not over-officious in telling him any thing particularly, nor in proposing to him to make a confession of his faith: he was apprehensive of a refusal; and feared still more, as I think, to irritate the duke of York.

"The king of England retained his senses throughout the whole of the night, and talked of several things with great calmness; at six o'clock he asked what hour it was, and said, 'Open the curtains, that I may once more see the day.' He suffered great pain, and at seven o'clock was bled, under an idea that it would alleviate his sufferings; at half-past eight o'clock he spoke with great difficulty; about ten was senseless; and calmly expired at noon, without any convulsions. The new king retired to his chamber, was unanimously acknowledged, and afterwards proclaimed.

"I have thought it my duty to send your majesty an exact account of what passed on this occasion, and I esteem myself very happy, that God has bestowed upon me the favour of having a part therein. I am, &c."

The king's reply, dated Feb. 20, 1685, is as follows:

"Monsieur Barillon, your two letters, of the 12th and 17th of this month, have been delivered to me by the messenger which you despatched: and I learnt with surprise, and very sensible affliction, the sudden death of the king of England; it is however no slight consolation for me to be informed by the same letters, of all the blessings which God bestowed on that prince in the close of his life, and of the happiness which he had in profiting so worthily of them.

"[All that passed in his last moments, however, will be kept very secret on my part.]

"I inclose to you the letter which I have myself written to the king his brother; and in delivering it to him, you cannot express in too strong terms, how much I am interested in every thing relating to him, and the pleasure

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which I shall always feel in contributing to his advantage and satisfaction.

"Observe particularly what is the present disposition of men's minds, as well in the court, where you are, as in the city of London, and the country; what measures are adopted by the opposition cabals against the royal authority and the catholic religion; what are the intrigues of the prince of Orange, and the duke of Monmouth; who are their principal promoters; if their faction be powerful; what measures are adopted by the duke of York.

"[What may be the force of the catholic party in England?]

"On the subject of religion, if he intends to issue a proclamation allowing the free exercise of all religions, and consequently of the catholic. Whether or not he will set at liberty the catholic lords confined in the Tower; on whom the said king will confer the principal offices; what measures he takes to make himself master of the seaports, and most important places; if he can depend upon the troops maintained at the expense of the crown; if the principal commanders are attached to his interests; who they are whom he ought to suspect, or in whom he can with safety place his confidence."

Louis goes on to state, that as a pledge of his willingness still to aid his brother of England with subsidies, he had sent a bill for 500,000 livres; and Barillon in his next letter conveys the thanks of James for this unexpected and truly acceptable gift! He then adds: "Yesterday the king of England went publicly to mass in a small chapel belonging to the queen consort, the door of which was open. This has caused people to speak very freely," p. 27. On this, says Louis: "The king of England cannot take a better part for the good of his kingdom, and the ease of his conscience, than to attend mass publicly." And on March 16, 1685, he thus writes to Barillon, p. 50: "There is a great likelihood that as the king of England now makes a public profession of the Roman catholic religion, he will soon request from the pope bishops of that persuasion; and as there cannot be a doubt that his holiness will elect them out of the English clergy, amongst whom I am informed there are many persons infected with Jansenism, I should be glad for you skilfully to acquaint his majesty how much it is to his interest carefully to distinguish those, so that in the good example he sets to all his subjects be followed in the way it is to be wished, the kingdom, in escaping from one heresy, may not fall into another, which would be scarcely less dangerous." The following passage in Barillon's reply speaks volumes with respect to the character and designs of James at this critical juncture, p. 56: "Yesterday evening I had a long conver-

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sation with the king of England; we recapitulated all that had been said with the ministers, with which they had made him acquainted. I knew that the earl of Sunderland had spoken to him fully of all we had said, and that he had represented to him the necessity of unreservedly entering into a close alliance with your majesty. The king told me, that I knew his views and designs better than his own ministers, that he had not been so explicit to them as he had been to me respecting the establishment of the catholic religion; that, previous to the session of parliament, he must conceal his designs, and not allow it to be discovered to what point he wished to conduct affairs; that in reality he knew that his safety depended on an intimate union with your majesty, and placing the catholic religion in a state not capable of being overturned; that it is his design to accomplish this as soon as he is able; that, however, I must represent to your majesty how important it is for him to be assisted in so great an undertaking: that his first proceedings with his parliament would be decisive; that those who might wish to thwart him would miss no opportunity to prevent his success; that perhaps your majesty would learn too late what you ought to have done, and that what will be necessary at present is far less than what your majesty would at a future period be willing to contribute, should you see the monarchy and the Roman catholic religion likely to be destroyed in England." "I rely entirely," said his Britannic majesty, "upon what you tell me; but represent to your master, that what he may now do will set my mind at rest, and will make me act with a firmness and confidence which I cannot assume if I am not fully assured," p. 57. On this, provision was made by Louis for the payment of two millions of livres, (including the 500,000 already granted,) the greater part to be actually paid, says the king, "only in the event of parliament adopting such a line of conduct as may oblige the king (James) to dissolve it; or on his finding so much opposition to the establishment of the Roman catholic religion as may compel him to employ force against his own subjects."—App. to Fox, p. 59.

Lord John Russel, in his *Essays on Government*, makes the following remarks on the character of Charles and of James.

"It is difficult to say for what reason Charles, a witty and heartless (unfeeling) man of pleasure, embarked in the vast undertaking of making himself absolute. Perhaps it was only to please his brother. The ready way of accomplishing this design, once adopted, was, as he conceived, to obtain money and troops from France. And as his father's throne had been overturned by religious fanaticism, he proposed to lay the foundation of his own upon a religion of blind obedience. The scheme not running on

smoothly, however, he gave it up, partly from laziness, and partly from prudence; contenting himself with charitable donations from France, from time to time.

"James formed his designs on another mould. He settled in his own mind that he would make himself an arbitrary king, and the Roman catholic religion the religion of the state. Which of these projects he intended to finish first, I own, does not seem to me to be worth very anxious dispute, as it is very clear that both objects were in his view. He pursued them with that stupid obstinacy, which is so frequently fatal to a man without talent. His want of sense was accompanied, as it often is, with a want of heart; and as he could not himself reason, he felt no pity for those who could. His opinions appeared to his own mind infallible truths, and he knew no method of convincing those who doubted, but by executions."

No. II.—*Letters from M^r Ward to Mr Brown.*

Dr M^cCRIC, in his "*Notices of Colonel Wallace*," alludes to "two letters" from M^r Ward to Brown, of September and October, 1686, in which reference is made, though "in a concealed style," to a correspondence between the covenanters in Scotland and the government of the United Provinces, with the view of assistance to their cause. The following are the letters alluded to, and they are now for the first time published. Unless we had the key to unlock the "concealed style" of the first letter, it would be impossible to say what may be the precise topics alluded to in the letter; and we are decidedly of Dr M.'s opinion, (*Lives of Veitch, &c.* p. 379,) that there "does not seem to have been any connexion between" this correspondence "and the rising in Galloway," which issued in the battle of Pentland. The second letter is in itself an excellent and interesting document, and will, we have no doubt, be acceptable to our readers, as illustrating the characters both of M^r Ward and Brown.

ORIG. MS. IN BIBL. JURID. EDIN. JAC. V. I. II.
ART. 8.

"Utrecht, Sep. 15, 1686.

"My very Deare Brother,

"I received yours, wherto I intended as an answer a few heave lines, for it made me more apprehensive of your hazard than ever; but at present I most forbear, that I desire grace to importune him for turning away that which I fear, that even in this he may have mercy upon us, that we may not have sorrow upon sorrow. Its true, to you to die were gaine, but your abode in the flesh is more needful for us. He knowes (if it were fit to speake so) that we may

not want such who, for the work of Christ, brings themselves neir unto death, not regarding their owne lives, to supplie other men's lake of service to his bleiding interests, his broken-hearted people, and borne downe cause, which he hath helped you to doe. I have sent you that piece of Mr Rutherford's ye wrot for, together with this piece of Burman's, wherein he bewraies more of a perverse spirit than in any of the former; and thus it holds true, that evill men and deceivers waxe worse and worse, deceiving and being deceived. I have also sent you a piece written by a student (whom I remember I heard debate with him publicly upon this head) against his idea. If his pride will permitt him to take notice of it, I know not but its like he will prompt some of his brood to debate with the other. I have also sent you a catalogue, not so much for yourself as for Mr Livingstone, to whom I could not writ at present. Desire him, if he have a mind to any of these Chimich books, to send me a not of them, and I shall buy them for him if they be not deir; but let it be sent, if possible, with the Tuesday's scout, for the auction begins upon Wednesday, and they will begin at the end of the catalogue. I know the provest told you, that I had met heir with a friend of yours, whom ye would know by the designation I gave of him; and I promised also, in my last line, to give you an account of q^t past, which is this:—Mr Boid, ye know, was very anxious about that parcell of goods which were bespoken for Mr Steill, and apprehended that the merchant who had been put to so much pains to provid them, might look upon him as one that dealt not fair. He was about to writ an appologie, but first he made a key, and while he was about finishing of it, your friend came, which Boid looked upon as a very favourable providence; whereupon Boid went to salute him, and was made welcome w^t much civillite and affection. Mr Strong's friend prevented Boid's appologie, and tho^t his friend carried like a prettie merch^t in not sending for these goods qⁿ not onely y^r is so much sea hazard, but qⁿ Park nor Howard could not have done any thing in bringing them safe to his hand. But because I shall not trouble you, (nor have I at present so much time,) as to relate all that past between Mr Boid and him, tho^t I know it all, I shall onely at present tell you where they left, (if Boid informed me right,) which was this,—that if Park came to a good market, Mr Strong would then expect what Steill would doe, (for y^t otherwise he confessed y^t it was not rationall to expect it,) for whom he had prepared the goods; but Boid told him, that the time being now so farr spent for selling of stufes and silks, he could not confidently say that Mr Steill or Peers would call for these goods he had bespoken, thoe they were very de-

sirens to doe it, and were thinking still on it; but he desired to know of Mr Strong's friend and factor whether he might not signifie this to Mr Steill and Peers, that though they should not find it their advantage to order the shipping of these goods so soone as was expected, yet if he might not assure them from Mr Strong, that unlesse Stanely were agreed with to take the whole off Mr Strong's hand, that he would still reserve that small parcell for Mr Steill that was bespoken for his use. He told Mr Boid, that unlesse Stanely were agreed with to take the whole, that he would not fail to doe so for Mr Steill, whom he took to be ane honest man. Next, Boid urged him with this further, that in case Mr Peers were put to sell his goods at a low rate, because of the fall of the market, whether in that case he might not assure Peers that he would, upon the first signification thereof, let him have such commodities as would goe better off his hand, and make up the lose he had sustained, by being necessitat to let his goods goe at what price he could have, and as the markets ruled. He assured Boid of this also, provideing he could deale with Ffraser, or any other honest man to whom he might deliver them. This is the substance, if I remember right, of what was most material betwixt them, and the result of severall meetings. Mr Strong's factor likewise undertook to send Boid word when he thought things were most favourable for Mr Steills driving a trade; and to this purpose Mr Boid gave him a key for corresponding, and is to send him a memorandum about some things Mr Boid desireth me to show you, that he would know your opinion of this affair, with your owne convenience and your neighbours. It is not like I will be with you shortlie, unlesse your condition call for it, which I hope the God of our mercies will prevent. The sweet and comfortable presence of God, even your owne God, whom ye have served, and doe serve in the gospel of his Son, and for whom ye suffer, be and abide with you for ever. I am, my deare brother,

“ Yours, R. Mc.

“ I must entreat you, if it be not troublesome to you, to send me up to morrow my Spanhemii Dub. Evangelica: they are in the great presse. Also cause trie among the sheets of Mr Rutherford's Letters if there be ane R. R. which is the last sheet, for I want it to compleat one. I desire likewise, for some reason, that ye may writ to me peremptorily to come downe, that I may make my owne use of it, as I find convenient; but if ye find yourself worse, or no better, then say this or the like,—I desire to see you, because of my growing or continuing weakness; for in that case I will lay aside all things that might hinder; otherwayes I think hardlie I shall see you at this time, for I cannot so well correspond with your friend, ye know, of their

as heir. If worthy Labadie come to see you, (for the French synod have begun to persecut him already, and have summoned him to appear at Amsterdam, to answer to a committee that they have appointed to question him about some things: they pretend he favours the Millianary opinion, but the truth is, they cannot bear his zeal for God :) if he come I say, be very kind to him, and ye may think if it were not fit to have him dining with you.

"I am much taken with the man for the great report he hath of pietie, zeal, and learning, and for which he is in reput amongst all the godly who know him.

"Send up my books on the resceet which I have sent you for that purpose."

LVIII. JAC. V. I. II. ART. 9.

"*McW. to Mr Browne.*

"Utrecht, Oct. 20, 1666.

"My very Dear Brother,

"Yours (with the inclosed) came to my hand, wherby I see the cause of my former fears (which were almost evanished) as greater and growing. What shall I say; it may be, that as a compleating of your testimony against the apostasie of this generation, he will have your bones rise at the last day in the land of your exile, the consideration wherof may mak your bed soft, and perfume your cold and stinking grave, and cause you leave us singing, while we behold you on your journey with weiping and watrie eyes. If it should be thus, what shall I say? O for grace to say what I ought, and to command my soul silence in these things wherin he is not to be called to an account; and yet I would faine hop he will hid that sorrow from the eyes of his poor servants, and defer the day of your triumph till we and the work of God may better want you. In the meantime, give not way to ane unprofitable overplus of anxietie; hold fast the rejoycing of hope firme unto the end—that lively hope wherunto he hath begotten you, hath two parties to conflict with, on is the smiles and frownes of the world, and he hath engaged you already with that partie, and after some bouts with it, to the commendation of his grace, he hath brought you honourably off, and helped you to hold fast his name, and not deny his faith. The other partie will fight you in at heaven's gate; but let the helmet of hope cover your head against all the darts the devill throws at you. Se to the breastplate of faith for guarding your haart, and the helmet of hope for securing your head; and then you may, when surrounded with hell from without, and sadly assault with feares because of guiltinesse from within, sing in the valley of the shaddow of death. What shall I say, my deare brother, but wrap up yourself within that weill ordered covenant, which is all your salvation, and all

your consolation (wherof ye speak): and thus haveing your head in his bosome, ye may rest sweetly and sleip soundly, blow what weather will; the devill cannot raise a storme which will make your anchor drive els cast within the vaile, and Christ must see to the holding of it, and this is your happiness.

"Let me beseech you to writ, or cause writ, to me constantly how ye are; and if ye find any change to the worse (which he may prevent) let me know. Be not sparing of my person or pains, for I will come upon the least hint that ye would have it so, tho' I can doe no more but sigh by you. I perceive by the last from our friend, that we have never understood who Mr Wallace was.* I thought still it had bein Mr Waller, and supposed that it was enely wrong written in that paper given to us; but now ye may see who it is by this, that he saith that Mr Wallace lets the money he hath borrowed for Stanely ly, contrair to Mr Steill's expectation, in Mr Fraser and his neighbour's hand. Ye will see I say by this whom we are to understand by Mr Wallace; and I confess, his letting it ly in Frazer's hand ministers matter of thoughts to me. I am glad that our friend is gone to speak with Mr Steill and Peers. I shall say no more for the present, but that I am

"Yours.

"Let me know whither you can learne, by any hints from Mr Stevenson or Mr Monteith, any thing concerning their being privie to Mr Strong and Mr Peers bargan and trade. Vale.

Addressed to "His reverend and deare brother, Mr John Browne, minister of the gospel for the present at Rotterdam."

No. III.—*Part of a letter from Mr M'Ward to a friend, occasioned by the death of Mr John Brown of Wamphray.*

"My friend,

"I may have occasion to write more particularly to you afterward, but this I must tell you, during all the space we were together in the country, I observed him (his chamber being just above mine) to be as much in prayer and communion with God as ever I observed any; yea more, insomuch that my esteem of him grew above whatever it had been, though, as I had good cause, there was no minister now alive in the church of Scotland in the same class with him, in my esteem and account, for abillities, fixedness, faithfulness, and pure zeal, according to knowledge; and to sum up all, I must say,

* It seems very obvious that this could not be Colonel Wallace, the distinguished leader of the covenanters at Pentland. The use of fictitious names was very common among the refugees at those times, and for an obvious reason.—Ed.

alas! the witness of the church of Scotland; *the* man who stood in his master's counsel; *the* man who stood in this evil day, when men of understanding have fallen; *the* man who withstood the present course of defection; *the* man who, in resisting of adversaries to the truth, of all sorts and sizes, was helped to do valiantly, and made able to do exploits for his God; *the* man who, while the archers (his brethren I mean, for these have been the bowmen) have sorely grieved him, and shot at him, and hated him, yet his bow abode in its strength, and the arms of his hands were made strong to his very grave, by the hands of the mighty God of Jacob. I say, alas! this is *the* man taken away from us; and I must say this further, (which I am content you acquaint as many with as you please, for I intend to say more of him and more publicly) that I look upon his removal, in our present circumstances, as a greater stroke upon the church of Scotland, than the removal of any now alive in it could have been by many degrees, how hateful soever it may render me to such who hated a man so greatly beloved of his Lord and Master, to have the reasons of what I have now said rendered; yet as the Lord may, and I hope shall, prepare me to bear that load above the burden they have already laid upon my loins, so *they must* prepare themselves to bear these set before them. And, my friend, I give you warrant, moreover, to let as many know as you please, that however some were pleased to give it out that there was a difference and dryness betwixt us, (because many wished it, and would have had it so,) yet it pleased the Lord to keep us (till death hath now made a separation) of the same soul and sentiments, on all things relating to the public work and interest of Christ; yea we were more so than ever. *2dly*, That however they may please themselves in the hope that, now Mr Brown being removed, they will have little to do to trample upon the poor undought (weak, puny creature) that is left behind, yet not only giving, but granting and asserting, that that great master of reason, who, in pleading for his Master, was more than match to the greatest of those who opposed him and the truth, and that interest he owned, is indeed gone, so that, in comparison of that great man of God, they have now but a poor empty nothing in his place, (he before whom I now write this knows that I look upon myself in respect of him as such,) whom its easy to run down and tread under foot,—I say, giving and granting all this and more, yet as I hope the Lord in his mercy to poor me will never leave me to a turning aside from these paths, wherein with so much oneness of soul we have walked together, so through his strength and grace I am resolved there shall no man attempt the straining of the memory of that famous man, (who in all re-

spects is of more blessed memory than all who will make the attempt,) but I will essay, poorly as I am able, to vindicate him; and if I can do it no other way, then I will set myself down, till the Lord raise up one who can, to wipe away their black ink off the face of that famous light with the tears of a bleared eye. But it may be my blessed and compassionate Lord will, by shutting my eyes ere long, give me an escape from this windy storm and tempest; and I hope till that day he will not suffer me to be tempted above what through grace he will make such a weak wrigling* able to endure, but that with the temptation he will make a way to escape, that I may be able to bear it. O pray for this to me, and put all my friends to pray for the same, to poor desolate me, deprived of my brother, father, companion and guide, and so left alone. But he lives who is a God and guide. He lives to be a leader, who brings the blind by ways that they knew not, and leads them in paths that they have not known; who makes darkness light before them, and crooked things straight: and now let him do these things to me, and not forsake me; and then the forsakings, reproachings, and buffetings of all will be easily borne. I say again pray much, and put all my friends to pray much, for poor and desolate me; that to me, poor and weak me, it may be given to stand and withstand in this evil day. I hope he will hide me in the grave ere he leave me to concur with the courses carried on in that poor church at present; which, however some may look upon as the dawning of the day of delivery, shall prove far otherwise. O! a dangerous delusion and deceitful dream it may be. It shall not be long to the day when God shall convince such that they have a lie in their right hand. But here I break off."

This copy is not in M^cWard's hand, but is indorsed by him thus:—"A part of a letter to a friend, giving an account of Mr Brown's death, and my present condition."

No. IV.—*Letter from Mr Geo. Campbell, (professor of divinity at Edinburgh after the revolution,) to Mr Robert M^cWard at Rotterdam, on the subject of the indulgence.*

"May, 1678.

"I received yours, for which I thanke you, as also for the expressions of your affection contained therein. The great ground of my apprehension of your dissatisfaction with me, was your silence in the tyme of my sore trouble and quietnes, wherein I expected a line from you. I likewise heard of late, that there was a letter from you that did a little touch me, by way of

* Wrigling, the youngest or feeblest bird in a nest—a sickly, puny child.—Ed.

reprehension for concurring with some others to write to one for desisting from somewhat designed by him. I wonderd that ze did not rather writ to me, than of me, what ze judged was blamable. I shal not nou trouble you with a vindication, only I desir ze may consider these feu particulars. 1. I was not in the meeting when that matter was tabled. 2. Some came to me, and pressed me to joyne with others in that letter, becaus of my acquaintance. 3. It was bot a little forbearance that was desired; yea, 4. It was not so much a forbearance of the designed work, bot of such a maner of it at such a tyme. And it was upon grounds, which very upryt and understanding persons of severall ranks thought rational, and such as in Christian prudence myt have place and weight; and it may be, if ze had been on the place, ze myt have no less inclin'd to than others. I can assure you none did ever endeavour to alienat me from you, neither heard I any of our bretheren speake unbecomingle of you or of Mr Brown; bot still I hear them expressing themselves with great veneration for, and affection to you both; only I have heard some regrat, that some privat persons here, who know not the state of affairs weell, take upon them to inform you and others, and that they are still so unhappie as to misinforme you; and that ze should suffer yourselves to be too easilie impressed with representations from some hands not so fitt to give them; and that ze doe not much rather desir some others, and especiallie Mr Ker, to give you an account of maters; and that some with all-sobernes regrats that letter should be spread among the people, which they say tend to alienat them from faithful ministers; and that use is made of your names, and, as is given out, with your warrant so to doe; and that whatever be in the indulgence, its humblie conceived a neu rent and breach should not be made nor kept up on that account, seeing thes bretheren are godlie and able men, and doeing much good many of them; and that they are stedfast in principles, and doe declar so much frequently. I sau of late somewhat written by som of thes of greatest account against Stillingfleet and the survey, which did greatly please and satisfie me. It may be, if ze wer here, ze wold be no lesse dissatisfied with some others than with these men; and I am persuaded ze wold advise some to forbear somthings, and to carry otherwise in many things. All the account I can give at present of news is, that ther are many prisoners nou in this place and elawher: ther wer on Moonday last upwards of tuentie taken in from Kirkliston: ther is great severitie breathed out here, and dailie perpetrated: what may follou on our convention, or hou that business shal goe, we cannot tell; bot many are afraid that ther may be great trouble to not a feu, great and smal: duke Ham-

ilton is on his way: our commissioner threatens much, and carye highlie: they talk that ther are many Inglish forces lying on our border: things look very break like; we look like the voful day; bot Zions' king lives and regnes. I shal add no mor, onlie desiring to salut your wif, son, Mr B. and Mr Fforb.* with other friends. I rest your, to power.

"M. chifly wonders what is done with . . . [cannot decypher a word or twa.]

This letter is indorsed in Mr Ward's hand, "Mr George Campbell, May, —78." Mr John Welsh was the person to whom Campbell, &c. had written, requesting him to avoid a sacrament with an armed attendance, it is supposed about September, 1677, when there was an expectation of a more liberal indulgence, which met such opposition from the bishops, that Lauderdale gave way, and the plan of the Highland host was adopted.

No. V.—*Letter to Gordon of Earlston, from a convention of covenanters at Edinburgh in connexion with Mr James Renwick, vindicating themselves from certain charges which had reached Earlston, and which had cooled him in his attachments to them.*

TO THE MUCH HONOURED ALEXANDER GORDON OF EARLSTON.

"Much Honored Sir,

"We, being met in a general convention, held at Edinburgh upon the ii day of October, and continuing together until the 12 day thereof, while that all our acts (for this tyme) were enacted, and appointments concluded: so, after all this, we being ready to dismiss, your letter came unto our hands, which unto us was both grieving and astonishing: we, therefore, have found it to be (at this tyme) indispensable our duty to concredit and send the bearer heired, Mr James Renwick, who was present with us at all our conventions since we parted with you, and being (in some measure) soon (sound) in both the matter and manner of our proceedings in these conventions, referring you to our acts enacted at all our conventions, and to his information according thereunto: and requiring that ye would not give ear to the base calumnies and misinformations of any person or persons who labour (most falsely) to give us out as the authors of things directly contradictory to our acts, appoyntments, or resolutions; and also of things neither by word or wryt ever concluded by us or any of us; and that you may be the lesse suspicious of us, we do in the sight of God declare, that as to our dewty in this day, we are just altogether standing where we were when ye

* Understood to be colonel Wallace.

were clothed with our commissions. Testifying our adherence to all dewties, and our separations from all the sins, yea and from all persons guilty of gross sins, which our faithful worthies, to witt Mr Donald Cargill and Mr Richard Cameron, taught to be grounds of separations, according as the bearer heirof can and will testify, and as his letters (if this be come to your hand) have testified; we likewise leiving you to his informations in severall particulars, yea all necessarie, which wee cannot now heir insert. In witness heirof (leiving you on the Lord) we have subscribed thir presents, with our hands at Edinburgh the twelve day of October, | a | b | obr, eighty-two (1682) years.

“(Signed) George Hill, presser, Robert Goodwin, John Smith, Edward Aitken, James Edward, John , Edward Somerwell, John Cader, John Somerwell, John Wilson, Alex. , John Louckup, J. Linlug, William Hardie, James Bell, William Nairne, John , John Neilson, James Muir, Thomas Deyr, David Johnson.” *

No. VI.—*Representation of the procedure of the circuit court for Berwick, Roxburgh, Selkirk, and Peebles, in 1684, from the minutes in the Register Office. These had not been seen by Wudrow.*

“The e. of Belcarres, ld. Yester, and laird of Drumellier, having, in prosecution of his majestie's service as commissioners of council and judiciary, met at Dunee, in the tolbulth thereof, issued forth precepts calling all the ministers, elders, readers, and bedles, also the whole heritors of the said shire, to meet at Dunee upon a precise day; and, accordingly, they having compeared, the lords did take themselves a just and strict accompt of all church disasters and irregularities, harbouring and recepting of rebels, together with many other things contained in the interrogators herewith produced; and after delation was made by the forsaid persons, the lords of council did ordain his majestie's advocat-deput to raise a lybell against the delinquents, and did appoint messers at arms to call them accordingly to compear before the lords at a precise day.

“At the day of compearance, his majestie's advocat did insist against the delinquents upon the haili heads contained in the lybell, as it seemed most convenient for the good of the government; and whether the delinquents were such as withdrawers from divine worship, or irregular baptizers of their children, since the

act of indemnity, or ressetters of rebels and traitors, and the lords considering that that part of the libel in relation to the withdrawing from the church, was referred to the oath of the persons insisted against, and that it was hard for them to remember how they had kept the church for such a space, they ordained the advocat to restrict the libel, as to church disorders, to two years preceding the citation. As to the first of these, if they were mean and insignificant persons, such as cottars, herds, servants, the lords, for security of the country, did ordain them to enact themselves, in the terms contained in the bands in the clerk of council's hands; and these who were tenants, and of any substance, and were not fined before, were not only ordained to subscryve the said band, but likewise fined, conform to the act of parliament. If any of the saids delinquents were obstinate, and appeared to be of bad principles, the lords did ordain that the oath of allegiance should be tendered to them, together with the forsaid band; and if they happened to refuse to subscribe the oath of allegiance, the lords decreed they should be banished to his majestie's plantations.

“As, likewise, many of the forsaid delinquents, upon their appearance before the lords of council, appeared to be weak, aged, infirm creatures, and several of them beggars, the lords did dismiss the saids persons, in respect it did appear to them, that their disobedience did not flow from bad principles, but from weakness and poverty, as said is, and that they promised to live regularly in time coming. And such as upon the dilation did appear to the lords to be weak and indigent persons, and worthy to be noticed by the government, were given in list to the sheriff of the shire, and he strictly ordained to proceed against them, ay and whill they were reduced to regularity, and report an accompt to the lords of his majestie's privy council. The lords likewise finding, that there were many of the delinquents absent the time of the calling and reading of the lybell, they did ordain the clerk of privy council to draw out an exact list of their names and designations, which list was likewise delivered to the sherriffs of the shire, who were commandit to apprehend the absents, and send them in prisoners to Edr. to be disposed of as the government thought fit.

“Likewise, the lords of council having called before them all who were dilated for recept, and the wives of such as were forefaulted or denounced fugitives for recepting their husbands, the receptors being very few in number, and very mean quality, they were assolized upon their taking the oath of allegiance and the test; and the wives of fugitives and forefaulted persons were ordained to be extruded out of their houses, and to remove themselves and family off the ground where they lived.

* The above MS. was communicated by Mr James Smith, Glasgow, a member of the reformed presbyterian congregation in that city.

" And such of the receptors and intercommuners as were obstinate and contumacious, and would not subscribe the oath of allegiance and take the test, (after the lybell was restricted and referred to their oath, as said is,) were banished to the plantations, and ordained to be carried prisoners to the tolbulth of Ed^r.

" The lords commissioners foresaids having issued out a proclamation of safe conduct, especially to all those who were denounced and printed fugitives, for being in, or accessory to, or airt and pairt, of the late rebellion in anno 1679. Several of the saids fugitives, following the faith of the said safe conduct, and in obedience thereunto, having come in and entered themselves in prison, and upon humble representation to the lords by bill, wherein they shewed their willingness to comply with the government, and did ther detest and abhorrence of the crimes of rebellion for which they were denounced and declared fugitives, were ordained to be relaxed, and set at liberty, and the dyet deserted against them, upon their taking and subscribing the test, and enacting themselves for their regular and orderly behaviour in all time coming.

" The lords commissioners foresaids having called before them Mr Ja^s Fletcher, minister at Neuthorne, who was the only indulged minister within their district, and his majestie's advocat-deput being ordained by the saids lorde to proceed against him for not observing of his instructions, the verity whereof was referred to his oath, in place of any further probation: and in respect he did judicially confess that he had not observed the saids instructions, the church wherein he was indulged was declared vacant, and he ordained to be committed to prison, ay and whill he should find sufficient caution not to exerce nor exercise any part of the ministerial function within this kingdom or otherwise to remove himself furth thereof; and upon his application to the saids lords, declaring that he was willing to find caution under the pain of 5000 merks, he was instantly ordained to be set at liberty.

" Such other ministers as had been indulged or connived at, before being convened before the saids lords for ther withdrawing from the ordinances in their several parish churches, were ordained to give band to compare before the lords of his majestie's privy council at Ed^r to answer for the saids irregularities when called for; which accordingly they gave, and are extant in the hands of the clerks of council.

" The saids lorde likewise having called several heritors, whose wives had been withdrawers, they were proceeded ag^t upon his majestie's letter; and in respect that the most part of them were lying under process before the lords of his majestie's privy council at Ed^r the saids lords

superseded any further proceed against them till the event of the said process, in respect the said wives were now regular; but such as were not fined by the delegate judges for their wives' irregularities, were fined by the saids lords, conform to the act of parliament, the verity of the libel being referred to their oaths, and they either refusing to depone or acknowledging their delinquency; and some of them did give band and caution to pay the saids fines.

" The lords, likewise, for the good and advancement of his majestie's government, did, upon information given to them, order his majestie's advocat-deput to proceed and insist against several persons in public trust, upon the heads of oppression and malversation in their respective offices; and after strict inquisition thereof, and the deposition of several famous witnesses adduced, and the wryts produced for proving their respective libells, they gave and pronounced decreit and sentences against some of the saids persons who were guilty; and they were ordained to lys in prison whill they found sufficient caution for payment of the sums wherein they were fined, and were likewise declared incapable of all public trust.

" The said lords, upon considerations best known to themselves, did remit some, and continue others, of the saids persons convened before them for the saids crimes, to compare at Ed^r the thrid Thursday of Nov^r next, to answer to the crimes contained in their libels.

" The saids lords finding that several denounced fugitives and other delinquents had fled into England and other places, a little before the saids lords their coming to the country, they recommended to the governor of Berwick to take and apprehend the saids persons, and to report to the lords of p. council an accompt of their diligence. And as to the other absents who did not compare, being cited for irregularities and other crimes, the saids lords, conform to the letter from the secret committee, did not denounce them, but held them confest, and delivered lists to the sherriffs; and ordained them to search for and apprehend them, and send them prisoners to Ed^r and to make report.

" This being the method in relation to church disorders, and other particular crimes, which was taken by the saids lords commissioners of his majestie's privy council and justiciary in their district.

" The saids lords were pleased, by proclamation issued furth be them, to call in the whole heritors of the said shires; and for the better prosecutions of his majestie's laws, and settlement of the country, they did propose to the saids heritors what should be taken for securing of the peace; and the saids heritors having met amongst themselves, they did most unanimously make such proposals and offers as are at mair

length contained in their address, which are here repeated *brevitalis causa*."

"Dunns, first of Octr. 1684.

"The lords of his majestie's privie councill haveing written to the secret comittie, anent some queries wheranent ther lordships would be resolved, the lords of the secret comittie gave ther returne, q^of the tenor followes:—Edr. the 30 of Septer, 1684. My lords, the offer made by the gentlemen in your district of two moneths' cess, is, in our opinione, a demonstratione of y^r good will, and that this offer being to evite the farr greater trouble of quartering a number of the northerne militia, and of haveing ther owne militia frequently called to suppress rebells, ther can be no danger for the commissioner of the shires to contracte the giving of the cess, to evite the greater expence, als weell for absents and minors as for themselves, since it is to the advantage of all; and wee presume the secreit comitte and councill will be of this opinione when they meet: and untill they meet, the shyres are not to be burdened with aither of ther militia. Meanwhile, your lordships (no doubt) will proceed according to your instructions against all who shall be found guiltie of treasons, conniving and hounding out of rebels, reseiting or intercomuneing with fugitives; as also against these who are guiltie of church disorders: and when the councill returns, the gentlemen shall have a return as to their dutiefull offer. As to ther queries, it is our opinione, that the legall observers, albeit they cannot be punished for that, yet they are to be considered as suspect persons, and therefor not only proceeded against strictly on the other crymes, but may be urged with the oath of alledgiance: as to fugitives who come in on saife conduct, and offer cautione to compear, they may be relaxed by your lordships. Wee shall try for such as are fugitives from you, and if any such be found, they shall be secured. But Abba and George Home are gone out to wait on you before this letter came to us. If y^r be any thing further to be comunicat to us, they shall be werie wellcome to your lordships' most affectionat freinds and humble servants. (Sic sub^r. Drummond. Geo. Mackenzie. Geo. M'Kenzie. Postacript thus,—As to Mr Daniel Douglas, he must be bound up one way or other, and thos who make use of his manufactory weell payed. Wee ware forced to keep Mr Charles Gray till 2 o'clock."

No. VII.—*Information respecting the concealment of Sir Patrick Hume under the church of Polwarth, when he escaped from the persecution of the Duke of York. From the Appendix to Rose's Observations on Fox's Historical Work.*

"Sir Patrick married Grizzel, daughter of Sir Thomas Kerr of Caverse. Their eldest

daughter, Grizzel, was born at Redbraes castle, 25th December, 1665. She, when only twelve years of age, commenced (as will afterwards appear) a very interesting intimacy and friendship with George, son of Mr Robert Baillie of Jerviswoode, to whom she was married, 17th September, 1692. Of this marriage there were two daughters—Grizzel, who made an unfortunate marriage with Sir Alexander Murray of Stanhope, and Rachel, who married Charles Lord Binning, eldest son of Thomas sixth earl of Haddington.—Grizzel, Lady Murray, left a MS. wrote by herself, which is in the possession of the present Mr Baillie—amongst other particulars it contains 'Facts relating to my Mother's life and character. Mellerstain, December 12th, 1749,' from which the following are extracts.

"LADY MURRAY'S NARRATIVE.

"Sir Patrick Hume and Mr Robert Baillie were intimate friends, and very strictly connected, from their being of the same way of thinking in religion and politics. When Mr Baillie was first imprisoned, Sir Patrick sent his daughter, Grizzel, from Redbraes to Edinburgh, with instructions, to endeavour to obtain admittance, unsuspectedly, into the prison; to deliver a letter to Mr Baillie, and to bring back from him what intelligence she could. She succeeded in this difficult enterprize; and having at this time met with Mr Baillie's son, the intimacy and friendship was formed, which was afterwards completed by their marriage.

"[1684]. During the period of her father's imprisonment, she attended to all her mother's directions. When Mr Baillie was again imprisoned, Sir Patrick Hume thought it advisable to keep himself concealed.—The MS. facts give the following account of his concealment.

"After persecution began afresh, and my grandfather Baillie again in prison, her father thought it necessary to keep concealed; and soon found he had too good reason for so doing; parties being continually sent out in search of him, and often to his own house, to the terror of all in it; though not from any fear for his safety, whom they imagined at a great distance from home, for no soul knew where he was but my grandmother, and my mother, except one man, a carpenter, called Jamie Winter, who used to work in the house, and lived a mile off, on whose fidelity they thought they could depend, and were not deceived. The frequent examinations, and oaths put to servants in order to make discoveries were so strict, they durst not run the risque of trusting any of them—by the assistance of this man, they got a bed and bed clothes, carried in the night to the burying place, a vault underground at Polwarth church, a mile from the house, where he was concealed a month; and had only for a light an open slit at the one end, through which nobody could see what was

below; she (Grizzel, afterwards lady Baillie) went every night by herself at midnight, to carry him victuals, and drink; and stayed with him as long as she could to get home before day. In all this time, my grandfather showed the same constant composure, and cheerfulness of mind, that he continued to possess to his death, which was at the age of eighty-four; all which good qualities she inherited from him in a high degree; often did they laugh heartily in that doleful habitation, at different accidents that happened. She at that time had a terror for a church-yard, especially in the dark, as is not uncommon at her age, by idle nursery stories, but when engaged by concern for her father, she stumbled over the graves every night alone, without fear of any kind entering her thoughts, but for soldiers and parties in search of him, which the least noise or motion of a leaf put her in terror for. The minister's house was near the church; the first night she went, his dogs kept such a barking as put her in the utmost fear of a discovery; my grandmother sent for the minister next day, and upon pretence of a mad dog, got him to hang all his dogs; there was also difficulty of getting victuals to carry him without the servants suspecting; the only way it was done, was by stealing it off her plate at dinner, into her lap: many a diverting story she has told about this, and other things of the like nature. Her father liked sheep's head, and while the children were eating their broth, she had conveyed most of one into her lap; when her brother Sandy (the late lord Marchmont*) had done, he lookt up with astonishment and said, mother, will ye look at Grizzel; while we have been eating our broth, she has eat up the whole sheep's head: this occasioned so much mirth among them, that her father at night was greatly entertained by it; and desired Sandy might have a share in the next. I need not multiply stories of this kind, of which I know many. His great comfort and constant entertainment (for he had no light to read by) was repeating Buchanan's Psalms, which he had by heart from beginning to end; and retained them to his dying day; two years before he died, which was in the year 1724, I was witness to his desiring my mother to take up that book, which amongst others always lay upon his table, and bid her try if he had forgot his psalms, by naming any one she would have him repeat; and by casting her eye over it, she would know if he was right, tho' she did not understand it; and he miss't not a word in any place she named to him; and said they had been the great comfort of his life, by night and day on all occasions. As the gloomy habitation my grandfather was

in, was not to be long endured but from necessity, they were contriving other places of safety for him; amongst others, particularly one under a bed which drew out, in a ground floor, in a room of which my mother kept the key: she and the same man workt in the night, making a hole in the earth, after lifting the boards; which they did by scratching it up with their hands not to make any noise, till she left not a nail upon her fingers; she helping the man to carry the earth as they dug it, in a sheet on his back, out at the window into the garden; he then made a box at his own house, large enough for her father to lye in, with bed and bed clothes, and bored holes in the boards for air; when all this was finished, for it was long about, she thought herself the most secure happy creature alive. When it had stood the trial for a month of no water coming into it, which was feared from being so low, and every day examined by my mother, and the holes for air made clear, and kept clean pickt; her father ventured home, having that to trust to. After being at home a week or two, the bed daily examined as usual, one day, in lifting the boards, the bed bounced to the top, the box being full of water; in her life she was never so struck, and had near dropt down, it being at that time their only refuge: her father, with great composure, said to his wife and her, he saw they must tempt providence no longer, and that it was now fit and necessary for him to go off, and leave them; in which he was confirmed by the carrier telling for news he had brought from Edinburgh, that the day before, Mr Baillie of Jerviswoode had his life taken from him at the cross, and that every body was sorry, tho' they durst not show it; as all intercourse by letters was dangerous, it was the first notice they had of it; and the more shocking, that it was not expected. They immediately set about preparing for my grandfather's going away. My mother workt night and day in making some alterations in his cloaths for disguise: they were then obliged to trust John Allan, their grieve, who fainted away when he was told his master was in the house, and that he was to set out with him on horse-back before day, and pretend to the rest of the servants that he had orders to sell some horses at Morpeth fair. Accordingly, my grandfather getting out at a window to the stables, they set out in the dark, though with good reason, it was a sorrowful parting; yet after he was fairly gone they rejoiced, and thought themselves happy, that he was in a way of being safe; tho' they were deprived of him, and little knew what was to be either his fate or their own.

My grandfather, whose thoughts were much employed, and went on as his horse carried him without thinking of his way, found himself at Tweed-side, out of his road, and at a place not

* The second earl; whose elder brother was then living.

fordable, and no servant; after pausing, and stopping a good while, he found means to get over, and get into the road on t'other side; where after some time he met his servant, who showed inexpressible joy at meeting him; and told him, as he rid first, he thought he was always following him, till upon a great noise of the galloping of horses, he lookt about and mist him; this was a party sent to his house to take him up, where they searched very narrowly, and possibly hearing horses were gone from the house, suspected the truth and followed; they examined this man, who to his great joy and astonishment mist his master, and was too cunning for them, that they were gone back before my grandfather came up with him; he immediately quitted the high road, after a warning by so miraculous an escape; in two days sent back the servant, which was the first notice they had at home of his not having fallen into their hands. He got to London through bye ways, passing for a surgeon; he could bleed, and always carried lancets. From that he went to France, and travelled from Bourdeaux to Holland on foot, where he sent for his wife and ten children; he was then forfeited and his estate given to lord Seaforth. My grandmother and mother went to London by sea, to solicit an allowance for her and her ten children, where they long attended; and even though assisted by many good friends from whom they met with much kindness and civility, lord Russell's family, lord Wharton's, and others; all she could obtain for herself and them, was about 150*l.* a year. They then returned to Scotland, to carry over the children; and found my aunt Julian so ill, she could not go with them. My mother returned from Holland by herself to bring her over, and negotiate business, and try if she could pick up any money of some that was owing to her father.

" Her sister was still very weak, so had the attendance of a nurse all the voyage, which happened to be very long. She had agreed for the cabin bed, and was very well provided in victuals and other necessaries. She found three or four more in the ship with whom the captain had also agreed for the same bed: a gentleman who was in the cabin, as they all were, said to her, let them be doing (when a dispute arose who should have the bed, for she made none,) you will see how it will end—two of the gentlewomen went to bed, the rest lay down as they could best; my mother and her sister upon the floor, with a clog-bag of books she was carrying to her father for their pillow; then in came the captain, and first eat up their whole provisions with a gluttony incredible; then said to the women in the bed, turn out, turn out; and stript before them, and lay down in the bed himself; but he did not long enjoy the effects of

his brutality, for a terrible storm came on, so that his attendance and labour was necessary to save the ship: they never saw more of him till they landed at the Brill. From that, they set out at night on foot for Rotterdam, with a gentleman that was of great use to them, that came over at the same time to take refuge in Holland. It was a cold wet dirty night; my aunt, a girl not well able to walk, soon lost her shoes in the dirt; my mother took her upon her back, and carried her the rest of the way, the gentleman carrying their small baggage; at Rotterdam they found their eldest brother, and my father, waiting for their arrival to conduct them to Utrecht, where their house was; and no sooner were they all met, than she forgot every thing, and felt nothing but happiness and contentment.

" They lived three years and a half in Holland, and in that time she made a second voyage to Scotland about business. Her father went by the borrowed name of doctor Wallace, and did not stir out for fear of being discovered; though who he was, was no secret to the well wishers to the revolution. Their great desire was to have a good house, as their greatest comfort was at home; and all the people of the same way of thinking, of which there was great numbers, were continually with them: they paid for their house what was very extravagant for their income, near a fourth part: they could not afford keeping any servant, but a little girl to wash the dishes. All the time they were there, there was not a week my mother did not sit up two nights, to do the business that was necessary: she went to market, went to the mill to have their corn ground, which it seems is the way with good managers there, drest the linen, cleaned the house, made ready dinner, mended the children's stockings and other cloaths, made what she could for them, and in short did every thing. Her sister Christian, who was a year or two younger, diverted her father and mother and the rest who were fond of music; out of their small income they bought a harpsichord for little money (but is a Rucar*) now in my custody and most valuable. My aunt played and sung well, and had a great deal of life and humour, but no turn to business; though my mother had the same qualifications, and liked it as well as she did, she was forced to drudge; and many jokes used to pass betwixt the sisters about their different occupations. Every morning before six, my mother lighted her father's fire in his study, then waked him (he was ever a good sleeper, which blessing, among many others, she inherited from him) then got him what he usually took as soon as he got up, warm small beer, with a spoonful of bitters in it, which he continued his whole life, and of which

* An eminent maker of that time.

I have the receipt; then she took up the children, and brought them all to his room, where he taught them every thing that was fit for their age; some Latin, others French, Dutch, geography, writing, reading, English, &c. and my grandmother taught them what was necessary on her part. Thus he employed and diverted himself all the time he was there, not being able to afford putting them to school; and my mother, when she had a moment's time, took a lesson with the rest in French and Dutch, and also diverted herself with music. I have now a book of songs of her writing when there, many of them interrupted, half writ, some broke off in the middle of a sentence; she had no less a turn for mirth and society than any of the family when she could come at it without neglecting what she thought more necessary. Her eldest brother, Patrick, who was nearest her age, and bred up together, was her most dearly beloved. My father was there, forfeited and exiled, in the same situation with themselves—she had seen him for the first time in the prison with his father, not long before he suffered, and from that time their hearts were engaged. Her brother and my father were soon got in to ride in the Prince of Orange's guards till they were better provided for in the army, which they were before the revolution. They took their turn in standing centry at the Prince's gate, but always contrived to do it together; and the strict friendship and intimacy that then began, continued to the last: though their station was then low, they kept up their spirits; the prince often dined in public, then all were admitted to see him; when any pretty girl wanted to go in, they set their halberts across the door, and would not let her pass till she gave each of them a kiss; which made them think and call them very pert soldiers. I could relate many stories on that subject. My mother could talk for hours, and never tire of it, always saying it was the happiest and most delightful part of her life: her constant attention was to have her brother appear right in his linen and dress; they wore little point cravats and cuffs, which many a night she sat up to have in as good order for him as any in the place; and one of their greatest expences was in dressing him as he ought to be. As their house was always full of the unfortunate banished people like themselves, they seldom went to dinner without three or four or five of them to share with them; and many a hundred times I have heard her say, she could never look back upon their manner of living there without thinking it a miracle; they had no want, but plenty of every thing they desired, and much contentment, and always declared it the most pleasing part of her life, though they were not without their little distresses; but to them they were rather jokes than grievances. The professors and men

of learning in the place, came often to see my grandfather; the best entertainment he could give them was a glass of alabast beer, which was a better kind of ale than common: he sent his son Andrew, the late lord Kimmerghame, a boy, to draw some for them in the cellar; he brought it up with great diligence, but in the other hand the spiket of the barrel. My grandfather said, Andrew, what is that in your hand, when he saw it he run down with speed, but the beer was all run out before he got there; this occasioned much mirth, though perhaps they did not well know where to get more. It is the custom there to gather money for the poor from house to house, with a bell to warn people to give it. One night, the bell came, and no money was there in the house but an orkey, which is a doit, the smallest of all coin. Every body was so ashamed, no one would go to give it, it was so little, and put it from one to t'other. At last my grandfather said, well then, I'll go with it, we can do no more than give all we have: They were often reduced to this by the delay of the ships coming from Scotland with their small remittances; then they put the little plate they had (all of which was carried with them) in the Lumber, which is paunding it, till the ships came; and that very plate they brought with them again to Scotland, and left no debt behind them. When the long-expected happiness of the prince going to England took place, her father, and brother, and my father, went with him.

When all was settled in England, the children were sent to Scotland, and my grandmother and she came over with the princess. She was offered to be made one of her maids of honour, and was well qualified for it, her actions show what her mind was, and her outward appearance was no less singular. She was middle sized, well made, clever in her person, very handsome, with a life and sweetness in her eyes very uncommon, and a great delicacy in all her features; her hair was chesnut, and to her last had the finest complexion, with the clearest red in her cheeks and lips, that could be seen in one of fifteen, which added to her natural constitution, might be owing to the great moderation she had in her diet throughout her whole life. Potage and milk was her greatest feast, and by choice preferred them to every thing, though nothing came wrong to her that others could eat; water she preferred to any liquor; though often obliged to take a glass of wine, always did it unwillingly, thinking it hurt her, and did not like it. She declined being maid of honour, and chose going home with the rest of her family. Having had her union with my father always in view, their affection for one another increased in their exile, though they well knew it was no time to declare it (neither of them having a shilling), and were

at no small trouble to conceal it from her parents, who could not but think such an engagement ruinous to them both; especially when in the midst of their distress there was offers pressed upon her by them, from two gentlemen in their neighbourhood at home, of fortune and character, who had done nothing to forfeit either, and with whom they thought it would have been happy to settle their daughter at any time: she earnestly rejected both, but without giving any reason for it, though her parents suspected it; and it was the only thing she ever displeased or disobeyed them in. These gentlemen I have mentioned, were intimate and sincere friends to my father and her, to the day of their death, and often said to them both, she had made a much better choice in him, for they made no secret of having made their addresses to her. Her parents were ever fond of my father, and he was always with them. So great an opinion had they of him, that he was generally preferred to any other, and trusted to go out with my mother, and take care of her when she had any business to do—they had no objection but the circumstance he was in, which had no weight with my mother, who always hoped things would turn out at last as they really did; and if they did not, was resolved never to marry at all. When he was put in possession of his estate by king William (which had been given to the duke of Gordon) he made their engagements known; and they were married about two years after the revolution: then my grandfather was in high favour, as he was well deserved from his great sufferings, and was made chancellor of Scotland; and afterwards made the king's high commissioner to the parliament, which was the greatest office in this country.

"He (Sir Patrick Hume, then lord Marchmont,) retained his judgment and good humour to the last. Two or three years before he died, my mother was at Berwick with him where he then lived, and many of her relations came there to see her before she went to London. As mirth and good humour, and particularly dancing had always been one characteristic of the family, when so many of us were met (being no fewer than fourteen of his children and grandchildren) we had a dance: He was then very weak in his limbs and could not walk down stairs, but desired to be carried down to the room where we were, to see us; which he did with great cheerfulness, saying, tho' he could not dance with us, he could yet beat time with his foot, which he did, and bid us dance as long as we could, that it was the best medicine he knew, for at the same time that it gave exercise to the body, it cheered the mind. At his usual time of going to bed, he was carried up stairs, and we ceased dancing, for fear of disturbing him; but he soon sent to bid us go on, for the noise and musick

was so far from disturbing that it would lull him to sleep. He had no notion of interrupting the innocent pleasures of others tho' his age hindered him to partake of it. His exemplary piety and goodness was no bar to his mirth, and he often used to say none had so good reason to be merry and pleased, as those that served God and obeyed his commandments. He died of a fever in the 84th year of his age 1724. None of our family were in Scotland, but lord Binning, who came to him the first notice from lady Julian of his illness, and attended him to the last; as he was sitting by his bedside not many hours before he expired, he saw him smiling, and said, My lord, what are you laughing at. He answered, I am diverted to think what a disappointment the worms will meet with, when they come to me expecting a good meal, and find nothing but bones. He was much extenuate, and had always been a thin clever man. He went off without a groan, and seemed to rejoice in the expectation of his end.

"She and her husband went to Oxford for the education of their grandsons, the late earl of Haddington and his two brothers, where Mr Baillie died 6th August 1738, and altho' Oxford was after her husband's death a most melancholy and disagreeable place to her, she (as it was thought fit for her grandsons) remained there for near two years after Mr Baillie's death."

The following is an historical character of the Hon. George Baillie, Esq., by George Cheney, Doctor of Medicine and Fellow of the Royal Society.

"Sunday, August 6, 1738. Died at Oxford in the 75th year of his age, the Honourable George Baillie of Jerviswoode, esquire, descended from an ancient and virtuous family in North Britain. He was a gentleman who in this corrupt age did honor to human nature, and was a great instance (according to my best observation) of the efficacy of the grace, wisdom, and power of the Almighty.

"At one and the same time, he was a most zealous patriot, a very able statesman, and a most perfect Christian, that this or any age has produced; piety, charity, justice, and truth, being the basis of all his private resolves and public transactions. He considered mankind as his family, and each individual as his child, and as the image of his Heavenly Father. He continued steadily in his own church and principles when at home, and in his country, discouraging indifference and wavering, in the external, as well as internal life of religion, but without rigidity and narrowness of soul; believing charity to be one of the cardinal virtues, and a guarded freedom essential to our unimpaired and recovered natures. I had the honor of an intimate acquaintance with him for the last

thirty years of his life. I have studied him in all the various scenes he passed thro'; in posts of great honour, in the troubles of private life, in health and in sickness, in business and retirement; and with great truth I can affirm, that in all the several scenes I never knew his superior in solid virtue and just thinking.

"His courage was undaunted, and his patience immoveable, his piety unfeigned, and his truth exact to the greatest precision. Having been bred in the school of affliction, his compassion was never denied to those who were in distress even by their own indiscretions. He spent the last twelve years of his life, in constant meditation, contemplation, and prayer. It was truly a life hid with Christ in God. He passed through several states of purification and severe trial, unknown to common and unexperienced christians.

"His father (a few hours before his life must have been ended by the hardships of his confinement) was for his love to his religion and country, most barbarously put to death by the severity of the then administration, and the madness of the times, whereby his estate was forfeited, and his son obliged to retire into Holland. Coming into England with the prince of Orange, he narrowly escaped perishing at sea, on which account all his life after he kept a rigorous fast once every week, spending the whole day in meditation, prayer, and praises to his Deliverer. During all the times of his great and arduous employments, he never failed morning and night to retire a considerable time to his closet, and prostrate himself before his Maker. His faith and trust that the children of the righteous should never want bread, was so firm, that in all his difficulties and misfortunes, he never saved any thing for fear of want, (when the expence was charitable, necessary, or decent) and in his prosperity he never squandered away any thing ostentatiously or uselessly.

"His private charities were as great and extensive, as they were secret and constant. In short, in his rank and order, under the present lapse of human nature, and the flagrant corruption of this age and nation, he was in every thing a most perfect example to his family, to his friends, and to his country.

"*Bath, August 12, 1738.*"

"The account given of lady Grizzel's death is as follows:

"She had been ill of a cold that was epidemical, but was down stairs the week before she died, was confined to her bed but a few days, and had her senses entire to the last; two days before she died we were all in the room. She said, My dears, read the last chapter of Proverbs. You know what it is. 'To have her grandson happily married, lay near her heart;

and I imagine it was with regard to that she said it. I think it a very strong picture of herself, and if ever any deserved to have it said of them, she does. The next day she called me, gave directions about some few things; said she wished to be carried home to lye by my father, but that perhaps it might be too much trouble and inconvenience to us at that season, therefore left it to me to do as I pleased; but that in a black purse in her cabinet, I would find money sufficient to do it, which she had kept by her for that use, that whenever it happened it might not strengthen us:—She added, I have now no more to say, or do; tenderly embraced me, and laid down her head upon the pillow, and spoke little after that.'

"Can my sorrow be utterable after such a loss. I am certain no number of years allotted me to live, can ever make me feel less either of grief or wonder, when I reflect on her whole conduct. Her whole family was round her bed, and showed a lively sense of what they lost when she breathed her last. My sister, who had been long ill, was carried out of her bed to attend her; but we were both almost incapable of doing the last duties to her; but *that* lady Stanhope supplied, with the same tender dutifulness she had ever behaved to her, and with a fortitude uncommon at her age; stretched and dressed her, in the manner she had always directed; which was in her ordinary night cloaths, and then rolled in a sheet; all which she did, without letting another hand touch her; for which, and her tender care and concern for her mother and me, I doubt not God will reward her, by the dutifulness of her own child. My mother had always expressed a dislike of the method in London, of delivering over to the undertakers for funerals, any one that died, to be ordered by them, as they thought proper; therefore, we were desirous that none such should come about her, or touch her; nor was she ever left by some of her family, till they saw the lead coffin secured down; though it rent the heart to be witness to it, we were all there to see the last thing done that was in our power.

"The concern and agitation of mind, I have been under the whole time of my writing of this, and when ever I set about it, makes me very unfit to do it at all; but my desire of putting in writing so many surprising and uncommon actions, which nobody else had the same access to know, made me undertake it. I here declare, whatever I have said, to the best of my knowledge, to be strictly just and true; but far less than I think the subject deserves.

"Lady Grizzel Baillie was buried at Mel-lerstain by the side of her husband.—The following inscription, which is engraved on marble and placed on her monument, was written by Judge Burnet, who knew her well."

Here lieth

The Right Honourable Lady Grizell Baillie,
Wife of George Baillie of Jerviswoode Esqr.

Eldest daughter of the R. Honble. Patrick Earl of Marchmont.

A Pattern to her Sex, an honour to her Country,
She excelled in the Characters of a daughter, a wife, a mother.

While an Infant

At the hazard of her own, she preserved her father's life
Who under the rigorous persecution of Arbitrary Power
Sought refuge in the close confinement of a tomb
Where he was nightly supplied with necessaries conveyed by her
With a caution far above her years,

A courage almost above her Sex,

A real instance of the so much celebrated Roman Charity.

She was a shining Example of Conjugal Affection
that knew no dissension, felt no decline,
during almost a fifty years union,

The dissolution of which she survived from duty not choice.

Her Conduct as a Parent

Was amiable, exemplary, successful,

To a Degree not well to be express,

Without mixing the praises of the Dead with those of the living

Who desire that all praise but of her should be silent.

At different times, she managed the affairs

Of her father, her husband, her family, her relations,

With unwearied application, with happy Economy,

As distant from avarice, as from prodigality.

Christian Piety, Love of her Country,

Zeal for her friends, Compassion for her Enemies,

Cheerfulness of Spirit, Pleasantness of Conversation,

Dignity of Mind,

Good Breeding, Good Humour, Good Sense

Were the daily ornaments of an useful life,

Protracted by Providence to an uncommon length,

For the benefit of all who fell within the sphere of her benevolence.

Full of Years and of Good Works

She died on the 6th day of Decemr. 1746

near the End of her Eighty first Year.

And was buried on her birth day the 25th of that month.

"Lord Cornbury writing to lady Hervey on lady Grizzel's death, said, 'Indeed I am sorry that we shall see our good old friend no more, I am sorry we shall partake no more in the society of that hospitality, that benevolence, that good humour, that good sense, that chearful dignity the result of so many virtues which were so amiable in her, and what did so much honour to humanity; and I am very sorry for what those must suffer at present whom she had bred up to have affections, and who had justly so much for her.'"

No. VIII.—*Account of Mr Thomas Hogg of Kilmearn, extracted from MS. Memoirs of "James Nimmo, Councillor and Treasurer of Edinburgh." Wodrow MS.*

"How pleasant did the Lord at length make the godly in that place" to me, and particularly that singularly holy man of God, Mr Thomas Hogg, who was a true father to our Israel, and to whom all that feared the Lord, that knew him, had a great deference, yea enemies themselves, he being not only endued with much of the mind of God, but also with much of a clear judgment and a solid sound mind; and albeit courteous to all, yet would not omit with authority to reprove sin in any, but (still) with such gaining wisdom that all feared him, the godly loved him, and enemies could find nothing against him except in the matters of his God, when he would not

yield a hoof, and yet managed with that respect and discretion towards enemies, that often they were made to admire him; for in his Master's concerns he spoke as one having authority, yet without the least evidence of rancour or irritation always. In his younger years he and that eminently pious woman Mrs Ross, by her husband, and Katharine Collace by name, by providence were made acquaint, and both being deeply exercised in soul, by the blessing of the Lord were helped to build up one another in Christ Jesus; and thereby the Lord made them signally usefull to others in like cases, and particularly Mr Hogg, whom the Lord called forth more remarkably in his particular calling: who albeit the Lord gave him no children, yet the Lord once gave him powerfully that scripture, and fulfilled it to him, I will give thee a name better than of sons and daughters, making him the instrument of begetting many sons and daughters to the Lord. And it was his great care as a father to convince and humble them by the Lord's assistance, and then to comfort and confirm them in due time; to do which the Lord, both by preaching and conference, singularly assisted him, more I judge than any in his day." He "had come from the south, where he had been prisoner long for his faithfulness, and at once 18 months in the castle of the Bass." p. 87—89.

"Some time before," January 29th, 1682, he, "after long imprisonment, was come north, under bond given by his friends, to answer the king's council when called." p. 29.

"30th Nov. 1682. Nimmo's contract of marriage was settled, 'but (says he) a difficulty arose anent our being proclaimed, which was like to trouble both of us, for some of our friends prest we should be proclaimed at the church by the Episcopal precentor, in which neither of us had freedom; and after trying of several outed ministers to marry us without proclamation, they refused for fear of danger. Yet blessed Mr Hogg, though under bond to answer the king's council when called, condescended to do it, seeing others had refused, and appointed Monday morning, December 4, for that end, where I advertised some godly friends to be witnesses, where at Mr Hogg's own house it was solemnized, where the Lord did evidence his presence to the conviction of several.'" p. 53, 54. For their own and Mr Hogg's safety Nimmo and his wife lived separate for some time.

"About the beginning of March 1683, Mr Hogg had sent his godly servant, William Balloch, to warn Nimmo that at a ball in Kilravock, lord Doune, (son of the earl of Moray,) swore if he was in Murray he would have Nimmo laid in prison, who thereupon went south to Edinburgh, and thence to Berwick," p. 67, 75.

Here, or in its environs, they continued to reside, when on "the first of November [1683] our

* Murray or Nairn shire.

dear and worthy friend, Mr Thomas Hogg, who was out of prison upon bond to answer the council at call, was then to appear before them,' p. 86. 'Our dear and worthy friend, Mr Hogg, was banished by act of council to be out of the kingdom of Scotland in 48 hours time under severe penalties; they indeed offered him six weeks to provide for his banishment, if he would give bond, as some had done, not to exercise any part of his ministerial function during that time; he told them, it was like, being under much frailness of body, he would not be able; but as he had his commission from God, he would not bind up himself one hour if the Lord called him and gave him strength: and therefore so little time was allowed. So he caused a coach, agreed for, to come to the tolbooth-door and take him in; and upon April 3, he came to Berwick, to the great comfort of our minds,' 'My wife's intimate friend, Mrs Hogg, also several others of some note of our own land,' p. 88, 89.

Nimmo and Hogg had their houses near to each other, and "one day there came certain word of a general search through the town, and accordingly after dinner the garrison began, and the ports were closed, and houses searched, and hay-lofts; the hay overturned with great pains. They began at the next house where Mr Hogg and I went, and searched round, and so our house was last, and a mercy also. Mr Hogg went to a private closet behind the hinging, (bed-curtain) and I went up to a little place for doves, above a fore stair, where I could only sit or ly, but not stand, to which only a dale (deal-board) did lift and came down again, so exactly as made of purpose, and so were in prisons till they went the round of search; and against they came back to our house it was growing dark, and they much fatigued, and

our landlord, a true friend, met them at the entry, and said he judged they were weary, would they take a bottle of his ale and beer? to which they willingly agreed and accepted of: and he did carry pleasantly, and diverted them for some time, and told them, an old woman his mother lived in the lodging beside him, and if they pleased they might go in and see there was none else there; which they refused, saying they would not trouble the old gentlewoman, and so were gone. And immediately the landlord came to Mr Hogg and me, and took us in his arms, with as much joy as if he had got a prize, and said that all was over, and so we mercifully escaped them." p. 95, 96.

Kennoway having said if Nimmo was out of hell he would have him, (at hearing of which blessed Mr Hogg said, "If ye were in heaven I fear he would not win there to seek you,") p. 110, 111. "I resolved if the Lord would to go abroad. And Mr Hogg being to go for London to see if there was any encouragement to go to Carolina, and thereby my faithful companion in

tribulation, my wife, (was) to be left alone in a garrisoned town. About the 8th of Aprile, (1685,) I was resolving to go to London with Mr Hogg—the day before we were to go Mr Hogg asked me if the Lord had given me full clearance to go. I told him I had some peace, but not that desired clearance. He desired me to take some time apart to seek the Lord's mind on that matter, and said, albeit you would be desirable to me, yet I advise either to get full clearance or not to go." Nimmo took time, and "resolved to stay, and had peace therein, but it displeased Mrs Hogg; but her husband sweetly complied, and he and his godly servant went."—In a little time after Mr Hogg went, there was a great report of an invasion both to Scotland and England, and shortly after Mr Hogg came to London he was jealous (suspected) for a spy and trafficker for Monmouth, taken, and the English oaths offered, and, upon refusing to take them, both he and servant were sent to prison." p. 115—117.

Before shipping at Burntisland on 23d November, 1685, "we heard some report that Mr Hogg was liberat at London, and gone for Holland, which was ground of encouragement." "Before we came from Scotland there had come a line from Mr Hogg, giving account of his being safe at Rotterdam, to whom when landed (4th Dec. 1685) we went and staid with him some few nights, till we got the foresaid chamber, and, indeed, he and his wife were our parents to their power." p. 127, 8.

20th October, 1686, Nimmo having domestic anxieties, observes, "Our blest father and friend, Mr Hogg, was gone the term of Whitsunday before to the Hague, where I some time went, and (as) his company and advice was refreshing, so my going there was refreshing. Some time after, (after the 5th November) as he (had) baptized our eldest son John, so we took this second to the Hague to him, where he was baptized James, at which time was (such) signal and observable power and presence of the Lord, that not only I but others were made to say they never heard nor felt more of the authority of the Lord in any ordinance, than when he pronounced his name and the names of the persons of the ever blessed Trinity." p. 133, 134.

"Even in this place, (the fugitives in Rotterdam were) not without danger from the enemy, for some were without order griped, put aboard, and sent for England, and there hanged, some alledged murdered: in that place where we were, some attacked by violence with sword in hand, to be carried off, and they defending themselves, resisting force with force, in wounds and blood, till the magistrates of Rotterdam took and imprisoned both till examined, and by the mob forced to justice, albeit inclinable enough of themselves: and some of these attackers were in prison when the Prince of Orange came over

at the happy revolution. And sometimes there was a search procured by king James from the States, but they kindly gave some advertisement, that Scots people might be on their guard, as particularly one for Sir James Stewart, who narrowly escaped by the importunity of old Mr Hogg, in whose house he was, that he would go out, having heard the search (which put us all in alarm) was to be that night." p. 135.

4 On (king) James' Toleration "severals went home: albeit our worthy friend Mr Hogg never joined therewith so as to preach by virtue thereof, yet after seeking the Lord he determined and went to Scotland, which was a great seeming loss to me," p. 136.

Mrs Hogg came home with Nimmo to Edinburgh on 1st May, 1688. Mr Hogg gave Nimmo his advice in his household affairs. About January 1690, Nimmo's 3d son was born, and named 'Thomas, "after blessed Mr Hogg, who had married us, and baptized our three former children in three several nations." p. 148, 138, 9, 145.

No. IX.—*Letter from the Earl of Crawford on his proposal to leave the kingdom, with the reasons for and against it.**

* Strathern, 8th Sept. 1688.

" Rev^d. and worthy Sir,

" The long acquaintance I have had of the bearer gives me such an inter confidence in his faithfulness and secrecy, as well as affection to me and that interest which I chiefly owne, upon which I am encouraged to write upon a subject that is somewhat tender, and to use a plainness about it which might warrantably be concluded rashness, if I c^d. be understood in the straits with which I am pinched on either side, without an inter freedom in those matters that reason, or conscience, upon serious deliberation, suggests upon the subject in hand. The truth of it is, the more I have thought on the thing I am the more in the mist; and am come to that opinion, that the wisest of men, Solomon himself, if alive and in my case, if the guidance by the spirit of God were but for a time suspended, might be difficulted what resolution to take. Upon which I have willingly laid aside all thoughts of consulting with worldly wisdom; and as I am able, though in much weakness, have laid the matter before God, with an inter resignation to what he, in his wisdom and goodness, shall cleare up to me as duty, after I have yet more fully by my self

applied to the throne of grace for that effect, and for further confirmations in what is really duty, without the least regard to ease, or shifting of suffering, have consulted Mr Moncrieff and you, (whom I only apply to in this affaire) who I know bear such respect both to my soul and family, as that ye will imploy some time upon this single occasion, either apart or joyntly, that you may find out the minde of God in the matter; to which, without the least hesitation, in His grace I intend pleasantly to acquiesce. You need draw no consequence from the order of my arguments, upon their being first or last, and as little from the force of them, since I designe not to be determined by reason, but conscience; nor doe I write them, as thereby prescribing in any fashion to either Mr Moncrieff or you, or to preoccuple your opinions, but singly that you may understand matters of fact, with all their concomitant circumstances, which some times will differance a thing, even in point of duty.

But not to detain you longer in the entry, I come to the point. It has been of a long while in debate with me, whether it was fit for me to retire out of the nation, from the feare of what temptations may doe to an ill heart, if the storme shall arise to that hight that it be like the blast of a terrible one against the wall; on the other hand, the difficulties in my retreat, and consequents of it, have had their own weight. Before I touch on these particularly, there is nothing in my case, either by hearing, speaking, or acting, in hazardous matters, that can give me the least byas to either side; yea, I have been equally fortunat ever since the indemnity, 1679, in having at no time seen any persone that was badly circumstantiat; nor doe I know any thing of my self, further than my practice of non conformity, and my purpose, in God's strength, not to yield in lesse or more in things relating to that principle, that can differance me from other firme protestants. The things that prompt me to goe are, first, a passionat desire in a most dutyfull, most affectionat, and singularly good wife, who is really disquieted with apprehensions of sad things that are coming on Scotland: now when I consider the composedness of her temper for ordinary, I have some times lookt on this restlessness in her spirit to be gone, as a warning from God that I should retire. Secondly, the many prognosticks of some eminently godly, both in former ages and of late, of dreadful things that were to befall Scotland. Some, from the deepness of our apostacy, concluding that God in his justice w^d. remove his candlestick out of these lands; others apprehending cutting of throats, burning at stakes; and few without fears that close imprisonment, and forfeiture of estates, will be the easiest censure that such may meet with

* The MS. from which this is taken is not an original, but a copy; and we are at a loss as to the person to whom it was addressed. The writer seems to have been "the great and good Earl of Crawford," as he is termed by Veitch, (p. 143 of Life, by M'Crie) and who became president of the council at the revolution, and died in 1698. Douglas' Peerage, vol. I. p. 387.

who do not in less or more complie. Besides, the punishment of such as shall refuse the test is made arbitrary, and how far this may be extended to sound recusants, for example to others, is doubtfull: then my conspicuousnesse beyond others, and singularity of practice in some things, may readily bring me first in miude, and for terrour to others first on the stage, and make me more briskly dealt with. Thirdly, I know it is projected by some of our chieff manadgers of affairs, and exceedingly urged by the dignified clergie, that my censure sh^d. amount unto the stripping me of my honours, and the bestowing these on Edghill, and the evicting of that allmentary pairt of my wife's joynter which was not dispoined to her son, but to a trusty, without all backband or verbal insinuatione of a returne to her of the least pairt of it, whom yet they conclude, and that truely, gives for a yearly proportione of it, and this they can find out by referring it to his oath. Whether my absence out of the natione may put a stop to either of these procedures may be under consideration.—Fourthlie, the dreadfull apprehensiones that the experience of ane ill heart, which hath often plaid the jad to me under lesser temptations, gives me of fainting when the tryal shall come, and may extend unto life upon continuing honest to my principle, does often, instead of prompting me to dueties, so disquiet me, as I am frequently put from them. Fifthlie, the infrequency of my hearing the gospell preached from clearly persones, at whom I have no rooted scruple; and the eminent danger that does attend ministers who from faithfulness doe yet take their venture; and the difficulty I have to purge my family of all such as I cannot answer will bide a stresse upon that head for secrecy and closenesse, is no small disturbance unto me. Sixthly, it deeply weighs with me that my children, such as are at schools, have not the benefite of such ane educatione as I c^d. wish: nor can I cure that, without I took them from schools, and were satisfied that they did not aime at being scholars, for I can possibly have none rightly principled tollerat in my family for teaching of them, much lesse, that I should have somewhat of inspectione over them, can I think of having a conformist in my family, who w^d. either be a spie in it, or thorow fear, might tempt me to a sinfull superplus of wainesse.

The impediments I have are these: first, the dangers in going. Let us consider them severally.—I have long laboured with rulers, and such as have interest with them, for a cleanly passe, without sinfull termes on my pairt, or at least conditions that are doubtfull; and have been still rebuted, sometimes from one reason and sometimes from another. The preparative of my case as a leading example, was

one answer from them: the differences betwixt our two great men, were another lett. They did conceive at another occasione that my earnestnesse to goe did proceed from some very dangerous circumstances I was under; and least I sh^d. have confirmed them in this, I found myself obliged to desist. The chieff of my endeavour for a passe was in our late king's time, when maters were not come to this hight: besides I judge if applicatione were now made, the mercaut would be rather higher than it was, and the conditiones more narrow, and a refusall w^d. readily have that effect to increase their displeasure unspeakably, if afterwards upon a pinch I went without licence; yea from fear that the same humor which rendered me earnest for a passe should move me to run away without it, I most probably might be secured in a prison, but suppose I were not, how c^d. I be prepared for such a voyage without some indicatione to a few that I was to goe? and what hazard were there that some of those few might trust others with it, and so the thing goe abroad. But tho' nothing of this sh^d. follow, but that I were just ready to goe to the ship, without any persones suspecting such a thing, I were no nearer my purpose, masters of ships and skippers are so straitly sworne to give up the names of all such as goe with them; and when there is any venturing on the ordinary boatmen for concealed persones, they are either put in the bottome amongst coalls, or other burthens they take along with them. Yea this is not all, the inquisitors doe search all cabines, and make tryall with speers, and such like, if there are any persones hid in the cargo; yea, tho persones were willing to venture on all these inconveniences, which w^d. be great to women and children, there were no master of a ship or skipper, that c^d. be again a Scotsman, if he without licence should transport me and my family out of the natione: and considering my circumstances it were not possible for me to gratifie him in any fashione that c^d. compensate such a losse. Besides the danger of rencountering on the seas with any of our king's ships, and the strict scrutiny that they make when they meet with any ships belonging to these three nationes, to what place of the world c^d. I retire to for more safety? It is informed (I know not how warrantably) that our king has signed a league defensive with Holland, Denmark, and some other states, upon this expresse conditione, That they shall deliver up, without a call, all declared rebels belonging to either natione, and upon demand shall give up all such, however free of publick censure, as he shall nominat to them. If this be truth it w^d. break all my measures if I were to goe, or at least exceedingly straiten me; for neither my wife nor I has inclinatione for long voyages by sea, or a retreat far off from Scotland.—Secondly,

If I did retire to a place even where I might expect safety, and were out of the fears of being delivered up, yet I might be charged to appear, and if I did it not, declared rebell, and my friends, without venturing on the same fate, put out of a capacity of corresponding with me and supplying me, and any little means of my wife's by that course [be] absolutely lost to me.—Thirdly, suppose none of the preceding inconveniences fell out, the means of my subsistence, even in my own country, are so inconsiderable, that I have in the midst of my friends hardly any redundancy above the meanest of food and raiment, when supplied, if either withdrawn, or rendered more inconsiderable by the distance of the place, and possibly dearness in living there, my wife, children, and I may be under the hazard of downright want.—Fourthly, I am uncertain what benefits I can have of the gospel, or what education my children can have where I retire. It is true, I want not offers of supplies both ways from a person that is willing to take their venture in that journey; but how far this may be tolerated on the place, however secretly conveyed, is my doubt.—Fifthly, those that have a mind to divest me of my honours w^d desire no better occasion to give a face to their procedure than that I went out of the way by stealth, and was consequently under some heavy guilt, and deserved suitable punishment, which may make some conclude that for a little of ease to myself, or putting a stop to groundless fears, I have prostituted such a badge of honour belonging to my family.—Sixthly, I may be yet under another inconvenience of having clamour for leaving of the nation, untill both the Scots and English interest disposed to my creditors be made effectually for their payment; and particularly there is this in the English interest, that tho' I have made over a complete right, according to the law of Scotland, yet there is a necessity of doing a new deed for their further security according to the law of England, which my creditors were not informed of till of late, and will take some longer time than is convenient for my abode here (if I goe before winter) ere it can be expedited.—Seventhly, upon my disposal of all estate I had real or personal, in this nation or elsewhere, without the least reserve, and without any clause of redemption, there was an acceptance of that deed subscribed by all my creditors (three excepted) in which they discharge me of all personal executions or real executions against any estate I shall acquire hereafter. Now, lest those three should exclaim, that I flee from the nation to evade a personal distress from them, I do hesitate upon the journey upon this very account.—Eighthly, I leave it to you to determine if, upon the fear of suffering, it be duty to leave my mother church, to forsake my younger children, without

all inspections over them, tho' under the trust of religious and kind relations, who by death may be removed from them, or by a prison rendered more incapable of educating of them. You see I have kept no reserve in all this affair, but have plainly unbosomed myself, and expect, after your serious deliberations, and minding my case before the Lord, I may have your and your brother's sense of the whole affair, without any regard to the gratifying of my temper, but singly eyeing what is duty to me under the present circumstances, which with very much readiness shall be obeyed by,

“ Rev^d and worthy Sir,

“ Your affectionate friend,

“ And humble servant,

(Signed)

“ CRAWFORD.”

“ I have written short to Mr Moncrieff,* he being under grief for his daughter in law, and referred him to yours for full information.

No. X.—*Conditions offered to Mr Carstares; as stated by himself, MS.†*

“ I had the same conditions, as to the substance, offered to me before I was tortured which were granted to me afterwards. When I was called out to be tortured a second time, Melfort came and offered conditions to me again, and was willing to grant that I should not be brought as a witness myself against any, but I absolutely refused to say any thing, till I obtained that my depositions should not be made use of at the bar of any judicature against any person whatsoever; which Melfort, after going twice or thrice to know the mind of the council, did at last yield to; and when I objected the case of Mr James Mitchell, as what did give me ground to fear that conditions would not be kept, he answered, that that was a damned perjury, and the stain of the government, for which this present earl of Lauderdale was forced to get a pardon. Upon which reply, I thought myself secure then. When it was designed by the rulers to bring Gervilewood to a tryall, they sent for Commisar Monroe and me from Stirling, and brought me before some of their number, who dealt with me earnestly to declare before the judges of the criminal court, in short, what I knew of the affair; and they told me, I should be confronted with no prisoner. My reply in short was, that to do so was to witness against

* It is not at all unlikely that this may have been Mr Alexander Moncrieff, formerly minister of Scoon in Fife, whose sufferings are so particularly set forth in the first volume of this history. He lived till the year of the Revolution, and was held in esteem as one of the holiest and wisest ministers of his day.

† This MS. is in the Principal's own handwriting. It seems to have been the first part of a statement which he intended to draw at a full length, but which he perhaps thought was superseded by his letter to Wodrow, inserted in the history.

all my friends; and that if it were possible, I would rather die a thousand deaths than be a witness against any that had trusted me: many arguments were used to prevail with me, but all were ineffectual. When I heard that my depositions were read at the tryall of that honoured gentleman Gerviswood, I did apply myself to my lord Tarbet, complaining of the injurie, who told me he was as angrie at it as I could be; but that it was not offered by the Advocat as a legall proof, nor sustained as such; a day or two after I waited upon my lord Perth, then chancellor, with whom at the time there were the duke of Queensberrie, my lord Tarbet, and the then president of the session, Sir David Falconer. Before any thing was spoke of particulars, my lord chancellour told me, I was (not) a free man, for I was to be prisoner during the king's pleasure, and had only obtained libertie for a day or two upon my word, that I might find bail to answer when called. Then my lord chancellour called for my conditions, and having read them, acknowledged that there had been a breach of them, but promised it should be no more so; and yet afterwards, I was informed that my depositions were read in the par^t 85, in the cases of some that were forfaulted then."

On the cover of the MS. from whence the above is extracted, the Principal has written in his own hand—"Papers concerning my last trouble."

No. XI.—*Original letters of Principal Carstares; extracted from the autographs among the Dunlop MSS. **

1. To his sister Mrs Dunlop,

Leyden, March 14, 87.

"Dearest Sister,

"I confesse I cannot excuse my so long silence, but do sister impute it to any thing but unkindness and forgetfulness of you, for if you should ascribe it to either of these, you should not a little injure me, for my heart is tyed to you with a knot of true affection, which no distance of place will ever be able to unloose, and I can say you are more than once a day upon my heart; I forgett neither you nor yours, though I cannot give myselfe leave to think much upon a parting without seeing you, and with so little hopes of ever seeing you more, but the providence of an infinitallie wise God is to be adored, and even when most contrair to our inclination quietlie submitted to, he can easily bring 'meat' out of the 'eater,' and 'sweet' out of the 'strong.'—His companie will make your voyage pleasant, †

* We owe many obligations to Mr Dunlop of Kerpoch for the use of his valuable MSS.

† Mr Dunlop was at this time in Carolina, N. A. Whither he had been compelled to fly from the violence of the persecution.

and your sojourning at so great a distance from most of your relations comfortable; David, when deprived of all his comforts, and threatened too with stoning—by his followers, encouraged himselfe in the Lord his God; dear sister, endeavour to doe so. This part of the world is like to be a scene of confusion, and Carolina may be a hiding place from those storms with which we are threatned. The blessing of the everlasting God be your portion; the blessings of your glorified parents be upon you and yours; and my poor prayers, for a very kind conduct of providence about you and my dear sister that is to bear you companie with poor Sandie, ‡ shall not be wanting. John shall be particularly seen to by me, as if he were my own; and indeed I reckon him so. My poor wife hath not had her health this winter: I bless the Lord I have mine, but am more frequentlie troubled with the pain of my head than hitherto I have been. We have taken another house in this town, where we would be rejoiced to see any of our dear sisters. I should be glad there were an end putt to that affair of Kilbouchers, though with some losse—pray sister, see if any thing can be done in it. I hope you shall have the picture you desire ere you goe. I am much troubled that you should goe in the spring, and fall to come to Carolina in the hottest of the weather; but God will, I hope, order things well about you. I have sent you some spices for your voyage, of which my brother hath, I suppose, given you an account. I am indeed sorrie that I am so little in a capacitie to testifie, dear sister, my sincere concern for your selfe and my other sisters; but if ever occasion shall offer, I hope it shall appear how mindfull I am of my dear parents, their commands, and how much I desire to be to you and them,

"Dear sister,

"Your most affectionate brother,

"And faithfull well-wisher,

"W. C."

"My dear respects and love to my sisters, and particularlie Jean your fellow-traveller: the blessing of Almighty God be your portion, that will indeed make rich, and will at last be attended with a freedom from all sorrow; himselfe De. Slat. be your guide and protector: to his gracious word I commend your selfe and poor babies, with sister Jean; and that noble lady, with her familie, who I hear is to goe with you, my very dear respects to her, with humble service to my Lo. when you shall see him, and entire love to your husband. I have sent you your seall, having that of your dear father's. My kind love to all my aunts and relations: I forgett not

‡ This we presume was Alexander Dunlop, the Principal's son, afterwards Professor of Greek in the University of Glasgow.

faithful and kind Nannie, I had her kind commendation latellie. My service to La. Wishaw : * my wife and I both long to hear from you. When you write to or see Glanderston, pray give him and his lady mine and my wife's best respects ; I shall never forget the kind sympathie I have heard he had with me in my distress when I was left of so many. I admire his patience in Mr Hutchison's affair, of which my brother gave me latellie an account ; he mett with an unworthie carriage, but I know he is a christian that will forgive. Seall the inclosed, and send it to Halcraig—remember me kindly to Bruntisland cusins."

1. To his wife. Written when in prison at Dumbarton or Stirling, but without date. †

" My Dearest,

" Though I have nothing to say, yet I cannot but salute thee. I blesse the Lord I am well, and could I be helped to an entire resigning of my selfe to him, I should have a great deall more of peace than I have. I hope in his own time he will help to spirituall composure of mind, in committing my selfe and all my concerns to him ; I have had many proofs of his care, and I would fain think he will not leave me, tho' it were very righteous with him to do so ; but as he hath been so, I hope he will be a very present help in the time of need : encourage thyself in him ; I commit thee to him, who I doubt not but is thy God. Let us, my dearest, sitt loose to one another, and to all things under the sunn, for this world passeth away with its fashion : O to be asured of a better inheritance, that will not fade away ! the Lord himself sitt us for it, and bring us to it when he hath no more service for us here. My dutie to dear parents, and kind love to sisters ; lett me hear often from thee, but so as if they lines be intercepted (keepers being now very watchful), they may neither prejudice thee nor me. Farewell,

" Thine own."

2. To his wife—from prison at Edinburgh.

Monday Night.

" My dearest,

" I had my dear father's letter : it seems things runn high. A number of groundless reports are spread of me as to crimes for which there is no ground ; but hard things seem to be abideing me, if God doe not interpose. He can disappoint fears, and support under any troubles

that come ; he is my hope and strength, and in his infinite love and mercie in Christ I trust : it may be he will make light to arise upon me as to my spirituall and outward condition, but if I have his favour I cannot be miserable. His anger and mine iniquities make things very heavy to me, God turn away the one and forgive the other for Jesus sake, whom I take for my alone righteousness, who is my peace and hope : the Lord be with thee and blesse thee.

" My dearest,

" Thine sincerellie.

" I should be glad to see thee, at the place thou was this afternoon, sometimes, and often if it might be, but I would know when thou intends to come."

3. To his sister—from prison.

" Dear sister,

" I am sorrie that you should entertain any thoughts of my being forgetfull of you, while you are so much remembred by me : I doe not remember that I received any letter which I did not answer but one, and therefore I desire that you would assure your selfe of all from me that can be expected from an affectionat brother, upon whose heart you much are. Pray tell my aunt, Mrs Dunlop, ‡ that I am exceeding sensible of her kindnesse, and will give her ere long the trouble of a line, which now I can not doe ; remember me also to my aunt Quarrelton, and to my brothers and sisters. Heartily farewell, and remember me."

4. To his wife—from prison.

" My dearest,

" I had all the three you sent me. I must confesse my burden is a little heavie, and God seems more to desert than formerlie. Oh what shall I be if left of him ! I have no strength, but all my hope is in him : things look dark, and my ingratitude to a kind God makes the aspect of providence formidable ; but may I hope that he will make light to arise on me : I desire to wait on him. I shall be glad to see thee once a day, either about eleven in the forenoon or four in the afternoon ; and if reports be refreshing, then hold up both hands, if otherwise, hold up but one. My dutie to dearest parents, and love to poor sisters. My very dear wife,

" Thine affectionatlle.

" I shall be the worse of the want of my neighbours. Have a care of yourselfe, and be encouraged ; and let me hear from you as oft as you can, tho' I can not tell yet how it will be."

* Probably the lady of Wm. Hamilton of Wishaw. Her maiden name was Gray, eldest daughter of the Honourable Sir Charles Erskine of Alva, Bart. fifth son of John, earl of Mar.—Anderson's Hamilton, p. 231.

† Most of these letters to his wife are merely short notes, on very small scraps of paper, and without date ; but they must all have been written during the months of August and September 1684. They are inserted here to show the excellent spirit of the writer.

‡ Mrs Dunlop was the wife of Mr Alexander Dunlop of Paisley, and the sister of Mrs Carstairs of Glasgow, the Principal's mother.

5. To his wife—from prison.

Tuesday morn.

“ My dearest,

“ I was glad to hear of thy health yesterday, tho’ I could not have the satisfaction to see thee. I am now endeavouring to submit to the will of God, as good reason I have, having had so many proofs of his goodness and tender compassion; but indeed the thoughts of my unanswerableness to his kindness do sometimes confound me, and make me meditate terror. O the follie that is bound up with me: Oh, if by my affliction he would drive it away, making me wise to salvation: wisdom and strength are from him, I desire to look to him for both, it may be he will remember me for good, and free me from my fears, keeping my feet from falling; without his grace I cannot but miscarry, but that can be sufficient for me under all tryalls. Have a care of yourselfe, and be not cast down; God may make light to arise after this darkness, and can command a calm to this storm: the Lord be with thee and be thy portion.

“ My dearest,

“ Thine own.”

6. To his wife—from prison.

Thursday night.

“ My dearest,

“ I had thine by Nancy, which was welcome. I would not have thee move much about me till some days be over. I am in a continual suspense, thinking that I shall be called on by the council; God fitt for his pleasure: I find him condescendingly kind amidst my many confusions and infirmities. O, what reason have I to love him, and be faithfull to him, who is so tender of such a wretch; of one so unstable, unthankfull, and unholy: were not his mercie in Christ infinit, I should be undone, and had been so long agoe; blessed be God for ever for Christ, in whom I desire to be found, and of whom I desire to walk worthy. Be not too much cast down, my dear, lett us hope in God; for it may be we shall yet have good cause to praise him, even for what concerns our outward condition; and if he shall be kind to our souls, we shall have matter of an eternall song: but he considers even our outward afflictions, and putteth our tears into his bottle. Lett me know what you hear from London. My dutie to parents, and love to sisters. You never tell me whether you receive mine or not. Farewell,

“ My dearest,

“ Thine own affectionately.”

7. To his wife—from prison.

Sabbath.

“ My dearest,

“ Thou art so dear to me that I can neglect no opportunitie of saluting thee. I am well,

but sometimes heavie: things look so dark, and God threatens to be so terrible, that I sometimes almost faint in my spirit; but he is holy in all that he does and threatens to do to me: it is but righteous with him to sett mine iniquities in order before me, and to make me possess former and latter transgressions in heavy strokes. Oh, if my soul may live before him! If he be my God, and will be pleased not to make me a reproach of the foolish, nor to his people, but will honour himselfe in me, and carrie on my soul’s spirituall and eternall good by the conduct of his providence about me, how happy should I be. All my hope is in his mercie in Christ, both as to my spirituall and outward condition; and who knows but he may yet be mercifull to us both. I committ myselfe to him; oh, if he would establish my thoughts. I committ thee, my dearest, to his love: I still doe not doubt but he will blesse thee, and see well to thee. Let me hear frequently from thee, for we know not how God in a little time may dispose of us. My dutie to my dearest parents, and love to dear sisters. Tell sister Dunlop that her lines are very refreshing and acceptable, as are also all that come from my dearest.

“ My dearest,

“ Thine own.”

8. To his wife—from prison.

“ My dearest,

“ I am allways glad to see thee well, for thou art dear to me. I blesse the Lord I am very well as to my health: oh! if I could say that my soul prospers as my body. I have been under great confusion; the griefs of my heart have been enlarged, and God thinks fitt much to hide his face; and what can I be when the comforter that only can relieve my soul is away from me; but I desire to wait on him: and one great thing that I ask of him is, that he would give me spirituall composure of mind in acknowledging of guilt, humbling myselfe for it, relying upon Christ for remission of it, resigning myselfe to the will of God, patiently waiting his determination as to my condition, and laying my account with the worst: God I hope will hear me in this. I am convinced of God’s righteousness in his present judgements; my sad unserious frame, when I had enlargement, did portend a storm. May I think that the language of this stroke is, that God is resolved to have me in despite of my corruption. I would fain think he hath designs of mercie to me: tho’ he hath appeared for most part very terrible to me since I was shut up, yet, I must say, that this afternoon I have had some refreshing, particularly in Hab. i. 12, Mic. vii. from 7 to 10, and from 18 to the end, and Ps. xxvii. from 5 to the end, and Ps. lxxvi. It may

he be will make light arise on my soul; and who knows but yet he may disappoint my fear, as to my outward condition, tho' I confess I can see no way to be delivered: but he can deliver when all refuge fails; he is my hope. Farewell, my dearest; have a care of thy selfe, and let us sitt loose to one another. My dutie to dear parents, and kind love to sisters. The Lord be with thee,

" My dearest,

" Thine affectionatellie."

" What for a day we shall have to morrow, the Lord knows; but the glad day that the Jews had, in stead of sorrow designed by their enemies, comes into my mind, Esther ix. 22; but it looks with a sad aspect. If it be fit, you may after a day or two, if we have quiet, see the advocat and Lundie's lady."

9. To his wife—who was probably at this time at Glasgow, waiting on old Mrs Carstares, the mether of the Principal.

" My dearest,

" I had yours on Saturday last, and am glad to hear of your being in any tollerable health, tho' sorrie that you are in the least indisposed. I long, indeed, to have you with me; and shall have no small satisfaction in your return, though it should be attended with disappointments of what you and I both would have desired. God does all things well; and as he is a jealous, so he is a compassionate God. I have been this day helped to some resignation of my selfe to him, and trusting in him, that yet over all that I have provoked him to doe, he will be gracious to me, even unworthie wretched me.

" His word hath not altogether lost its relish with me; and altho' my house be not so with God, yet I hope he hath made with me an everlasting covenant. I would fain think he will never forgett what he did for my soul in Kenterden and the Gatehouse: he allured me then into the wilderness; and how great terrors soever I was under, yet he spake comfortablie to me; and it was, I hope, a time of love, the fruits whereof will remain. I have, indeed, since gone a whoring from him, and he hath not suffered me to goe without a check; and what a mercie it is that I am not consumed. That of Jer. lii. 19 to the end, comes into my mind. I desire humbly to trust in him, tho' he slay me. My dearest, the bearer hereof, it may be, will attend you, if you be ready to come away. He is a good horseman; but Mr Harlow is to speak to him, and will give you an account if he be (to come) for you; but if he be not for you, it is like he will not write. I should be content you were at some certaintie as to Mrs Adamson's affair; I doubt not but you have wrote to her and had her answer. Have a care of yourselfe; it is like

that businessse which you wait for, when you have gott it, will neither please you nor me; but we must be silent and patient. If you have money, I would have you to acknowledge my Lo. Register's gentleman; for he was civill to me, and I suppose to you too: it is he that came to the castle for me. Pray, forgett not to let my sister know how to direct to cousin Goodgroom, that she may convey a letter to her husband by Sandie: and it may be it would not be amiss that you wrote to him, and shew him that we are not unmindfull of him, and think him happie where he is, and will, I hope, remain without return, at least to this country, till times be more favourable for him. My dutie to my very dear parents. I am much concerned for my mother's indisposition. Pray, lett me hear how she is. I would not have you leave her till she be prettie well; and, so soon as that is, haste you so soon as your affairs will allow, to,

" My dearest,

" Thine own most affectionate husband,

" W. C."

Dec. 8, 84.

" Sister remembers you kindlie.

" I remember sisters and all friends.

" Kindlie I long for thee."

No. XII.—*Letter from Mrs Dunlop to her husband, then at Carolina, N. A.*

Edinburgh, Sept. 2, 1686.

" My very choys and dearest heart,

" Tho' I have written with this same occasion severall times, yet so long as I have the opportunity by the vessel's stay beyond her resolution, I am glad to take it, and what to say I am difficulted, for my hope of coming this season is very like now to be frustrat and cut of. The vessall going from London, was that I had an eye upon, and pleased my sometimes now and then thoughtnesse about thee y^e. we wold be together er long, and now when I find that I cannot, upon many accounts which I shall not resume, having written frequently to thee before, it is not possible for me to eveat heavinesse. Who wold have said, I wold have been so long of seeing thee, and have thy unexpressibly desirable and choise company. I c^d. scarce have believed that I c^d. have borne it as I have done. It is a wonder to myself, considering how many heavy and sad things have been in thy lote and mine since we parted, but God hath done it, who is just and righteous in all he doth: but, oh, it is not easy to get the heart right under afflicting dispensations. How often w^d. I have thought this or that w^d. have been easier to me, if my dear, ever more dearer to me, had been near me; but God hath thought fit it sh^d. be otherwise, and I desire to be helped to submit, if he will give himself. My dear heart,

shall I think another year shall go over before I will see thee? Dare I have no hope of seeing you till it be then? You know, my dearest, I never took upon me to contradict what thou thought duty, nor, I may say, what you did; neither will I now do it; yet I cannot but say I apprehend there will be little comfortable living in that place, for thou wilt have no encouragement at all from this. All have deserted it, and frequent accounts coming from New Jersey, engageth several more to it. I had a line from London the last week, which sheweth that the English are very much off that plantation of Carolina this year; what is the reason they know not; and that your governor was come to New England for his health, the place continuing sickish. My heart, thou may easily think it is much to me to bear, not knowing how thou art this having not had one line since

85; but, my dear, if thou thinkest thou cannot come home, and take me with thee, which would make a difficult voyage easy and pleasant to me; nothing, nor place will keep me from thee so long as I have been* but impossibilities, which I think, indeed, hath kept me from coming in this vessel from London. All friends here are well. I know your sister Margaret will write to you from Glasgow,† for she is there just now, and give you an account of your brother's marriage. I am yet uncertain myself where to stay, for I have taken no house here yet, nor do I think to settle in any place like a winter habitation. It is some comfort to me, so long as I am in dependence and expectation to come to thee. I would have been with thy mother (who is extraordinary kind and concerned in me, for which I desire you may thank her, and your brother and sisters, for all of them are so to me), but I cannot now have my poor fatherless and motherless sisters from me, so long as I am here. My dear mother left me to be a mother to them; and thou knowest, my dear, how much room I had in their affections. O heavy stroke! Lord sanctify it!—My heart, I have just now seen a very particular satisfying letter, concerning all things in that place, and of the gospel, from Mr Ord, which makes me long to hear from thee. God give thee light of direction to what is duty. I always think, my dear, that there is one thing concerning thy main work which requires thy home coming, that hath extremely troubled me many times that you went away without it; and I cannot think but it hath been a trouble to yourself: but, my heart, however much I covet to have thee

alongst with me in that sorry like voyage, I dare not take upon me to desire thee to do any thing that may fall out to thy prejudice. I know not if all my letters I have written will come to thy hand; but I have written particularly of all concerns me. That John Sims's wife hath written to himself, showing him that Hugh of Dam-head will not give me the 12 pound, for he says he hath nothing of his; and he knows not if his brothers be dead or not. She hath nothing to come to him with to pay her freight and board. My dear, I wd. have been content thou hadst written to Hugh Shaw and Cunningham about these things, and to James Livingston about his son, and to Mr Donaldson. She wd. have the money paid in here. My dear, I will trouble thee no more at present. The Lord himself be with thee, to protect, direct, encourage, and comfort, under all thy pressing difficulties, in a strange and land; [that] his fellowship and presence, [may] make up all to thee, is the earnest and constant desire of, my singularly dearest, thy intently, unalterably affectionate, and obedient wife, while I am

“ SARAH CARSTARE.”

Sep. 2. 86.

“ Dearest, all friends remember thee very dearly. My sister's husband, and M. Ana Sura, who is to me very faithful here, and a sincerely kind friend. I shall not say they are few, but desire to bless God I have so many. Your own sons are very pleasant, healthy, strong children. Many allege you wd. be jouse* of them, but we are now taught to be denied to all things in the world. Your mother will not condescend to let them go with me. I think she will prevail to keep the one, for I do not cross her so sore; but I think you will rather desire Sandie, because he is eldest, and I am very loth to part with Jock, for he is a great dafit. My brother is dealing earnestly for him; but your mother will never want one of them; but thou couldst much determine and clear me, if you were with me; but why shd. I please myself with that I have no hope of.

“ Adieu, my heart,

“ S. C.

“ My Lady Cardross, and all the children are very well. The cloath the Lady Endiegelly† speaks of, was not to come till I come myself; so I have not taken it. Jockie presents his services to you.

“ For Mr William Dunlop, at Port Royall, Caralina.”

* i. e. the means of defraying the expenses of such a voyage.

† M.S. Glen.

* Joyous—or as we would say, proud of them. “ To Joys, Jois, loe, v. a. to enjoy.—*Douglas*.”—*Jameson*.

† Edenkellie.

*Biographical Notice of Principal William Dunlop, from a work on the Genealogies of Dumbartonshire, preparing for publication by James Dennistoun, younger of Dennistoun.**

"Mr William Dunlop, in early life an active supporter of the moderate covenanting party, and afterwards Principal of the University of Glasgow, was eldest son of Mr Alexander Dunlop, minister of Paisley, † of the family of Auchenskeith in Ayrshire, by Elizabeth, daughter of William Mure of Glandersten. Descended by his father and mother from families reared in the strictest observance of presbyterian forms, and connected by the marriages of his aunts and sisters with several zealous champions of that creed, Mr William Dunlop early devoted himself to the ministry; and, as in those days an almost necessary consequence, imbibed a strong attachment to Whig principles. On arriving at manhood, he became a licentiate of the church of Scotland, at that critical juncture of her history, when her warmest friends, worn out by long opposition to the episcopal government of Charles II. and driven to despair by new severities, attempted, as a last resource, to secure by arms freedom of conscience and personal safety. Whatever may be the merits of any cause in which the standard of rebellion is raised, the act of unfurling it must ever attract a crowd of the discontented, who have nothing to lose, and every thing to gain by civil war, while, at the same time, it generally alarms more reasonable, or more cautious partizans: a separation of views and interests naturally follows, between those of violent and those of moderate sentiments, which often renders both an easy conquest. Such was the result of the appeal to the sword made by the covenanters; it was unwillingly adopted by the Whig party, at the head of whom were Welsh, Caratares, &c., and whose principles came to be engrafted upon the British constitution in 1688; but was eagerly pressed by Hamilton, Cargill, and the fiery republicans, who anticipated individual aggrandisement from the general confusion. To the former of these parties, Mr Dunlop from the first attached himself, and continued faithful through life. What its views were, may be best gathered from "the Hamilton declaration," drawn up partly by himself in June 1679, and quoted by Wodrow ‡ as expressing the objects of the moderate presbyterians.

* We return our best thanks to Dr Dennistoun for his valuable communication. We give it with pleasure, a place among these memorials; and our respected friend will not take it amiss if we should add, that our doing so is no pledge of our concurrence in all the sentiments he has been pleased to express. We differ somewhat on the comparative merits of the parties in the great struggle, but we cordially agree in opinion as to the character and merits of the venerable Principal.—Ed.

† Dunlop Papers.

‡ Vol. iii. p. 98.

"The insurrectionary movements of the covenanters brought upon them a severe retribution from the exasperated government, and many were obliged to find in voluntary exile, an escape from the penalties of the law. Others, reduced to despair by the increasing gloom of their political prospects, came to a resolution of abandoning for ever a country, where a longer residence only exposed them to the alternative of choosing between a sacrifice of duty and the severities of proscription. The new and promising settlements in North America offered a secure retreat for all those whose political or religious principles rendered them dissatisfied with their native land; and in Carolina and Virginia many of the Scottish presbyterians and republicans sought a liberty of conscience and of language, which was denied them at home.

"Among these emigrants was Mr Dunlop, § who, endowed by nature with an uncommonly shrewd and active mind, and connected with many leaders of the clergy at home, was enabled to acquire an influence with his party far beyond what belonged to his years. (This influence had been much increased by his marriage with Sarah, sister of Mr William Caratares, who proved himself by the ordeal of torture, as well as by his unwearied intrigues with the court of Nassau, not an unworthy protector of the interests of Presbyterianism). He accordingly maintained a constant correspondence with his friends in Scotland; and, as soon as his favourite principles in church and state had been established upon the ruins of the ancient monarchy of Britain, he returned to enjoy the fruits of the long desired revolution. Yet his devotion to that cause did not prevent him from fulfilling the duties of a useful citizen in the colony which afforded him a refuge: and, accommodating his exertions to the wants of a new settlement, we find him performing the functions of his sacred office, and at the same time, as major of a regiment of militia, providing for the temporal peace and security of the country.

"After completing at the University of Glasgow the course of study requisite for obtaining licence, he had been introduced as private tutor into the family of William, Lord Cochrane. ¶ There he superintended the education of John, afterwards second earl of Dundonald, and of his brother, William Cochrane of Kilmarnock; and continued in after years to enjoy their confidence and friendly correspondence. ¶ By their influence, he was presented to the parish of Ochiltree, on his return from America in 1690; and a few months after, had a call to the church of Paisley. But ere he could be ordained to either of these livings, a wider field of preferment

§ Dunlop Papers.

¶ Macure, p. 232.

¶ Dunlop Papers.

opened to him, by the removal of Principal Pauls of the University of Glasgow.* King William, glad of an opportunity of rewarding those exertions in his behalf, which he had to acknowledge both from Mr Dunlop, and from his brother-in-law, Mr Carstares, presented the former to the vacant chair, by a warrant under his sign manual, at Kensington, 18th November 1690. †

“ In performing the duties of this important situation, Mr Dunlop was distinguished by his zeal for the interests of the seminary thus put under his control. As representing it, he was an active member of the General Correspondence of Scottish Universities in 1692; and in 1699, he had a commission to lay before the king, the impoverished state of the revenues of that institution, and to petition aid from the royal favour. The result of this mission was a gift of L.800 sterling, which the Principal was directed to receive for the university. His exertions were also directed to an object foreign to the usual duties of his chair, but for which he was singularly fitted by his acquaintance with commercial affairs, acquired while a planter in Carolina. The learned professors of Glasgow, captivated by the golden dreams which dazzled their countrymen, on the formation of the celebrated Darien Company, attempted to realize for themselves a share of the promised gains, by investing L.600 sterling of their common funds in the stock of that undertaking. The Principal ‡ was chosen a director of the company, and in their sanguine speculations, and cruel reverses, his experience and sagacity proved highly useful.

“ But while occupied by these various important objects, Mr Dunlop remained faithful to his first love, and watched over the now triumphant cause of ‘ the kirk,’ with the same devotion which he had displayed in her hour of danger. Immediately after his installation as Principal, he obtained ordination, having received a call from the magistrates and people of Glasgow to be one of their ministers, but without any emolument, or cure of a parish. He thus acquired a seat in the church courts, where his influence at court through Mr Carstares, as well as his own staunch adherence to the interests of presbyterianism, secured for him the highest confidence, and the most implicit deference. In 1694, he was commissioned by the General Assembly, along with Mr Patrick Cumming, minister of Ormiston, to congratulate the king upon his return from the continent; and 1695, was instructed by the moderator and commission of that body, to prepare an address to his majesty on the death of the queen. He was in

the same year, at the suggestion of that commission, appointed by the presbytery of Glasgow to attend upon the sitting of Parliament, in order to watch over the interests of their church.

The talent, which, at an earlier period of his life, Mr Dunlop had displayed in the slippery and intricate paths of political intrigue, still found opportunity for exercise, amid the duties of the ministry, the subtleties of science, and the distractions of commerce. He maintained an extensive correspondence with the leading men of his party; and, like his brother-in-law Carstairs, continued through life to display an exemplary attachment to his first principles. The influence which he thus commanded at court, was exercised rather for the benefit of the public, or of his friends, than with selfish views; and the only farther mark of royal favour he had to acknowledge, was the appointment of historiographer for Scotland in 1693, with a pension of L.40 Sterling.§

“ But in the prime of life, Mr Dunlop was called from these varied avocations, regretted alike in his public and private spheres. Dying in March 1700, he left behind him a name distinguished by the rarely united excellencies of an eminent scholar, an accomplished antiquary, a shrewd merchant, a brave soldier, an able politician, a zealous divine, and an amiable man. To use the words of Wodrow, ‘ His singular piety, great prudence, public spirit, universal knowledge, general usefulness, and excellent temper, were so well known, that his death was as much lamented, as perhaps any one man’s in this church.’

“ Of the two sons who survived him, Alexander became eminent as professor of Greek in the same University, which had benefited so much under the superintendence of his father; while William filled the chair of Divinity and Church History in the sister seminary at Edinburgh, where his piety and eloquence were justly admired, and his early death was universally regretted.” ¶

§ Dunlop Papers.

¶ Principal Dunlop wrote a descriptive account of the Shire of Renfrew, which is preserved among the Sibbald MSS. in the Advocate’s Library. It is noticed by Bishop Nicolson in his *Scottish Historical Library*; and by Crawford in his *History of Renfrewshire*, who designates its author, “ a reverend and curious antiquary,” p. 13, Robertson’s edition. This MS. is at present (Nov. 1829,) in course of publication by the Maitland Club at Glasgow, with Notes by a Gentleman well skilled in the History and Antiquities of his country. We have read the document with great interest. Among the Dunlop MS. papers, there is a curious correspondence conducted by Principal Dunlop regarding the improvement of the Fisheries on the River Clyde, &c. A portrait of the Principal is to be seen in the Common Hall of the University of Glasgow. We are of opinion, that a more extended record of the life and deeds of such distinguished individuals, would be a valuable accession to our national biography.—Ed.

* Macure, p. 232.

† Dunlop Papers.

‡ Dunlop Papers.

No. XII.—*Letter from Sir James Stewart (afterwards Lord Advocate) to Mr Carstares, from Edinburgh, but without date. On the back of the MS. there is written in Wodrow's handwriting, "July 1687," probably on the subject of king James' liberty.*

"Sir,—By my last I acquainted you with the state of things here in order to the liberty lately granted by his majestie, but because I was then straitned in time, you may now be pleased to know that the liberty is granted to Scotland as fully, and almost in the same terms with that granted to England. That his ma^{ty} is very well satisfied with its effects, and the thanks given for it in England; and that he expects the like from Scotland. That the people here are well pleased with the liberty, and, even by the court reckoning, three parts of four are judged to favour and comply with it. That in Scotland it is like to gain a farr greater and more cheerful acceptation. That since his ma^{ty} expects thanks, many and almost all judge it civility to give them by their addresses. That there is nothing his ma^{ty} seems to desire more than the establishing of this liberty fairly and equally for all his subjects. That the Papists at court stick not to say that they know how many doe embrace this liberty, how little it favours the growth of their religion, and how likely they are to have a Protestant successor, and that therefore they can neither desire more nor expect lesse than that this liberty should be consented to by the Parliament of both kingdoms. That as to admission to publique trust, as lawes do not at present hinder his ma^{ty} to conferr them on Catholicks, so no law can be made to force a Protestant successor to shew them the same kindness. That it is a thing most certain that his ma^{ty} is resolved to observe the succession to the crown as a thing most sacred, and is farr from all thoughts of altering the same: and, lastly, that his ma^{ty} is very desirous to have the prince and princess of Orange to consent to and concurr with him in establishing this liberty. These things you may be assured of as very certain, and with all that the church of Englandmen doe so little dissemble their dissatisfaction with the favour shewed to dissenters, that the dissenters can impute it to nothing but their old spirit, and generally begin to fear that the re-exaltation of the church of England may be more hurtfull to them than all that the papists are like to attain: so that upon the whole it may be feared that if the prince continue obstinat in refusing his ma^{ty}, he may fall under suspicion of the greatest part of England, and of all Scotland, to be too great a favourer of the church of England, and consequently a person whom they have reason to dread. It's true that the church of England hath had a very generall conformity in England, and that the noncon-

formists have been but a small partie in respect of them; yet now it appears that this conformity hath been more out of compliance with the law than their inclination, and that the generality doe rather favour the liberty: upon all which some think it will be the prince's wisdom to comply with his ma^{ty} and to approve this liberty, seeing thereby he will both very much please his ma^{ty} and evite a growing jealousie of the farr, farr greatest part of the kingdom, and yet, on the other hand, doe nothing really either in prejudice of the Protestant religion, or of that power which may one day devolve upon him with the princess to doe what he shall find just and right. And many think that this compliance in the prince might be farder a wise part both as to the conciliating of his majestie's greater favour, and the begetting of an understanding betwixt the king and the states. Many think, therefore, that the parliament will consent to the liberty, and so much the rather that they have a Protestant successor in prospect; whereupon others think that the same Protestant successor should be of the same thoughts, rather than to irritat to measures unthought on: but some judged the prince's obstinacy to proceed from three causes—first, that the Invoys that his majestie hath had there of late have not been proper persons, and perhaps by some not intended to gain him to a right sense of things, and a better understanding with his ma^{ty}. 2dly, that at our court there is a French faction who are well content to keep the prince from coming to any better understanding with his ma^{ty}, and doe willingly see him mistake without desiring his better information: and, thirdly, that the prince hears mostly (for want of others more sober) discontented church of Englandmen; and that it was Dykevell too much conversing with such here, that made him so uneasie to the king, and leave him so dissatisfied: and to these reasons they add that a Protestant envoy of good sense might certainlie clear the prince, and bring about a better understanding betwixt his ma^{ty} and him. As for your friend and mine, he much regrets the unhappiness, and wishes it were remedied. I cannot on these things make any conclusion, but simply leave them to your reflection, and the best use you please to make of them. I think you will not doubt my endeavour to understand and represent things just as they are, seeing that I have no temptation in the case, save to wish well to those I love, according to the best light that God gives me. I will expect your answer p^t first, and as you may think that I write from this side with some byasse, so pray remember that you have been much longer on that side than I have been on this. My best respects to all friends, to whose correction I submit myselfe, and a'n,

"Your true friend and servant.

" P. S.—Receive herewith our Scotch liberty. I hope an indemnity may quickly follow. I am also told that earle Rochester is going to the Spaw, and that he is to take his way by the Hague. You know he is a great church of England man, and at present sufficiently discontented. *

(Address) " For Mr James Dunlop, merchant in Rotterdam.

" Send this p^r first to yo^r cousin at Leyden: delay it not." *

No. XIII.—*Account of Mr Macbean of Inverness, extracted from Letters to Wod. Vol. XVI. No. 55. MS.*

" Among the signall and seasonable Encourag^t. qch God gave to his suffering people, it was none of the least, that when among the persecuting party there were found such as did not settle on easie measures of the work of grace, but found it necessary to strive to enter in at the strait gate, and take the kingdome of heven by violence, such found themselves under a power^u. obligation to forsake the persecuting side, and declare for the cause of truth, and join themselves to the persecuted, choosinge ray^r. to suffer affliction with the people of God, than to enjoy y^r. ease and externall comforts of time for a season, &c. qch. was very confirming and comforting to the suffering witnesses of the day. Many instances hereof might be given, but I shall only mention one, and one worthy to be transmitted to posterity in letters of gold, if you'll consider the person, the reason of his appearance, his testemonie, and success.

The person was Mr Angus Macbean min^r. of Inverness, a man of great judg^t., excellent learning, and in his own opinion, less than the least of all saints, but in the judg^t. of those who had the best discerning, a man who grew in grace and in the knowledge of the Lord Jesus Christ, to a more than ordinary degree; this faith^u. witness was settled at Inverness in 1684, he inveighed ag^t. the sins and errors of the time, particularly ag^t. those of popery w^t great judg^t. zeal, and boldnes, especially in 86 and 87, when popery was like a deluge threatening to overflow

the land: from that he advanced, as he grew in saving illumination, to open up the defection and spirit of persecution qch. prevailed among a party, and at last found it necessary to make a secession from them, and therefor preached on these words, Job [34. 32.] ' Lord what I see not teach thou me, and if I have done iniquity, I shall doe soe noe more.' In the application, he appealed to the omniscience of God, that he choosed to live and die min^r. of Inverness above any place or people in the world; but when he found he could not continue among you as formerly without rebelling ag^t. God and conscience, he must leave y^m., and beg they would put the most charitable character [construction] [sic] upon his soe doing that it was capable of: and for enabling them to doe soe, he found it duty to tell them, that the following scriptures were by a strong hand and great power conveyed and brought home to his heart [Isa. 8. 12.] Say not a confederacy to whom this people shall say a confederacy, &c. 2 Cor. 6. 13, 14. ' Wherefore come out from among y^m. and be ye separate saith the Lord, touch not the unclean thing and I will receive you,' &c. Rev. 18. 4, ' And I heard anoy^r. voice from heaven saying come out of her my people, that ye be not partakers of her sins, and that ye receive not of her plagues;' and after he explained and applied these scriptures to his present case, he took his leave of them. Some were angry, some surprizd; but those who rec^d. most good of his min^{ria}. were all in tears. Next Lord's day he preached in his own house, qch. not being able to contain the numbers that came, a meeting house was chosen, where he preachd w^t greater freedom and enlargement of soul than ever, to the conviction of some, the consolation and confirmation of oy^{rs}. and edification of all. But the grand enemy envyd the power and success of the Gospell, and stirred up some instruments of cruelty ag^t. him, who accused him before the Councill of Scotland, as if he were ane enemy to Cæsar, and the grand incendiary of the north, &c. upon which he is sumoned to appear before the Councill at Ed^r. He obeys, intermits his labours, leaves his people in sorrow, appears before his judges, and a gracious God haveing more work for him at Inverness, he getts leave, upon bail of 10000 merks to answer when called and soe comes back to that part of his flock which ownd his min^{ry}., among q^m. he preached the word w^t all boldness, w^t great power, faithfulness and success. But suddenly and unexpectedly a second charge comes to him to appear before the Council of Scotland on six dayes warning, on the midst of winter, and a bad habit of body; but w^t great resolution he goes, and along with him the honourable Duncan Forbes of Culloden, his Cour^r. who came but a few hours before the sex dayes were elapsed: he is called, appears,

* Those who did not wish well either to Sir James Stuart or to the covenanters nicknamed him by the title of "Jamie Wylie" or "pawky Jamie," and the above letter rather indicates a desire to put up with things as they were under the indiscriminate indulgence granted for a time by James; and he very soon accepted the office of Lord Advocate under the reigning administration. The stricter presbyterians no doubt, held out; but Sir James did nothing more than the great body of presbyterian clergy, who, wearied by the long and relentless persecution, were glad to accept of a breathing time under almost any conditions that were not absolutely revolting to conscience.

† Mr James Dunlop was a brother of Principal Dunlop, and son of Mr Dunlop of Paisley, whose wife was a sister of Mrs Carstairs the Principal's mother.

and the different questions of the day are proposed to him, particularly, what he thought of the King's power, was it limited or not? He answered from Ro. 13. v. 1, 'Let every soul be subject to the higher powers; the powers that be are ordained of God,' &c. The Chancelour then said, 'Is the King's power limited or not?' to which the worthy confessor answered, 'I know no unlimited power but the power of the eternal God.' Upon which he is commanded to prison, to close prison, where he is so confined that no friend could have any access to him, and such was the coldness of the season, the weakness of his body, and rigor of his attendants, that his life was in great danger: but a gracious God stepped in and commanded deliverance for him; for he was not above six weeks in that state of bondage, when the joyful news came to Edr. that the prince of Orange was coming over to Britain for the defence of the protestant interest and work of reformation, in opposition to popery, which was then like a deluge overflowing the lands. These news fill all honest hearts with joy, and papists (particularly those at the helm,) with horror and fear, which made them flee; and such as were friends to prisoners of hope, open the prison doors and sett them at freedom; among whom was the worthy Mr Mackbean, who grew in favour with God and his people. But the toil he sustained in winter journeys and prison had brought him into a deep consumption, of which he died at Edr. Feb. 1689, in the 33d year of his age, greatly lamented by the faithful witnesses of the day who were acquainted with him: But no people had such ground of lamentation for the death of that pious, zealous and faithful person, as his friends at Inverness, where the dry and dead bones were gathering, the spirit of life entering, pleasant blossoms of a plentiful harvest appearing, when he is suddenly taken away from them: there are some living witnesses hereof yet remaining, but most are fallen asleep.

Lett. to Wod. 16. 56.

"R. D. Sir,—The enclosed paper is Mr Stuart's hand write: he had no leisure to look over it before he left this place. I persuade myself he'll take it in good part that you put it in your own dress. Mr Stuart is one of these that profited by Mr Mackbean's ministry at Inverness; so, that what he relates of him, is from his own knowledge. I am told that Mr. Mackbean preached for some time at Air, before his settlement at Inverness. You'll inform yourself whether he was actually minister there or not. I have had it from good hands, that the occasion of his going to Air was this. The then prevailing party finding that it was very much to the detriment of their interest in the west, that they had settled a great many insufficient men in that quarter, resolved to alter their mea-

asures; and to that effect wrote to the professors of divinity; and amongst others to Mr Menzies at Aberdeen, to enter the most promising of their young men upon trials, that they might be in case to recommend such as were more likely to reconcile the west country people to their way of thinking. Mr Menzies upon this, obliged Mr. Mackbean, and one or two more of his students, to submit to trial before the presbytery of Aberdeen, and thereafter recommended him in the strongest terms. Mr Mackbean's memory is savoury, not only at Inverness, but at Edinburgh, where he ended his days. I had sent this paper sooner, but that it fell by my hand.

"I am, with very great esteem,

"R. D. Sir,

"Your most affectionat brother,
and humble servant,

(Signed) "ALEX. FRASER."

Edinburgh, 5 Aug. 1723.

"Wm. Stewart at Inverness, and Alex. Fraser at Urquhart, are on the list of the commission of Gen. Ass. 1723. In the contents of vol. 16, No. 55 is marked by Wodrow, "Mr W. Stewart Kiltearn's account of Mr. An. M'Bean." In a letter to Mr Marr, Feb. 1728, (Wo. Lett. iv. p. 107.) Wodrow urges him to get all he can relating "to worthy Mr M'Bane, minr. at Inverness. It's but a scrape I have of him in the history of the sufferings; and since y^t was published, I had a letter from William Stewart, or his son in law, with a short hint or two about him. But I want every thing can be gathered about that excellent person."

Notwithstanding an error in the name, he seems to be the subject of the following paragraph, from Fountainhall's Decisions, at 1st Dec. 1687. vol. i. 488. "Mr Donald M'Bain, late minister at Inverness, having left his charge, and joined with the presbyterian ministers at Edinburgh; the privy council, on the bishops motion, called him, and try him upon his principles, if he thought archbishop Sharp's death a murder, or Bothwell bridge a rebellion, or disowned defensive arms: and, his answers being unclear, he was imprisoned; tho' some complained of this way of expiscating speculative opinions. On the 23d of February, 1688, he was again staged for his disloyal principles, and ambiguous answers, and sent back to prison."

Some account of eminent Ministers in Argyleshire; in a Letter from the Rev. Mr Jns. Boes of Campbellton, to Mr Wodrow. MS. Letters. Vol. XVI. p. 184.

"R. & V. D. Sir,—I know not well what apology to make for the long intervall between

* In 1728, Wm. Stewart at Kiltearn, is on the Commission. In 1604, Wm. St. at Kiltearn, is the 2d name in the list of y^a Commission.

this and my last, and the receipt of yours, but the broken state of my health, melancholly,* and indisposition, etc: though I assure you, I forget yow not, and never will, while in the body. I have done all I could, both here and in Arran, to procure that manuscript of Sir Ja. Turner, but without success. Mr Turnbull is dead; and his relict, who is but ill affected to our interest, refuses to part with it, saying, she knows not where it is; however, if I can possibly procure it, ye shall have at least a copy, tho' I'm told by such as perused it, y^t it contains but a narrative of what he did there, with his orders and reflections, on what he calls the stiff humor, and obstinat refractory temper of the people, oppressed and persecuted by him, w^{ch} was all he had to say in his own justification: but how far unjustifiable he was in this, he hath since been long err now judged by it, as ar his principalls befor another tribunall; and will be yet more solemnly at the great day.

"I approve of yor designed biography to revive the memory and names of the worthless once in our land; and yrby y^t of now, alace! so much decayed religion, for w^{ch} you will have a great reward, as well as for what great and good service yow have been enabled already to do; and hope you will not be discouraged, from the obloquy of the want of the vitiated taste of the age: in your late worthy and valuable book, truth needs not collors, nor jingle-jangle of words. I can furnish yow but little from this place as to the lives of some worthy men amongst us, more then what you have already insert in yo^r late book; except to give yow the names of such as kept faithfull to the end, being but a stranger, and not a native in the country, tho' now amongst the oldest in our synod, except a very few. Mr. John Duncanson, min^r in Lorn, was a very good man, and usefull in his day, and kept staunch to the last; and Mr Robert Duncanson, for some time my colleague, was a man of rare gifts and parts, and a Malleus episcopaliū, for which he was not a little reproached by them: he dyed in Feb. 1697. Mr John Cameron, first min^r in Kilfinan, then indulged to Campbeltown, was a more then ordinary countenanced preacher of the gospell, had many seals of his min^{ry}: was in the late times confined for some time at Lochaber; and dyed about the end of Sept. 1680; as he was a man of a very edifying gift, so, of sore assaults and temptations to the last, and was eminently countenanced, as in all his min^{ry}, so in that last he had at Campbeltown. Mr Edward Keith his colleague, and my predecessor, was, by the Lord, brought out of a malignant family of the Keiths in the

north; his father sheriff of Montross. He was educated under rair Mr Sam. Rutherford, at the profession at St Andrews; and, by a call of Providence, and Mr Rutherford's recommendation, settled min^r in the Lowland congregation at Campbeltown; where, notwithstanding of many endeavours to turn him aside, yet continued faithfull to death. He dyed in May, 1682. Mr Alex^r Gordon was one of a singular talent for lecturing; was much persecuted and reproached by the episcopall party, as being a great eye sore to them, as was the desirable marquess, whose min^r he was at Inveraray. He dyed at Glasgow. Mr Patrick Campbell, his colleague at Inveraray, a faithfull min^r of Christ, continued stedfast in the late times of persecution; and dyed, with much peace and rejoicing, about 1695: as was his brother, Mr Duncan Campbell, min^r in Knapdale, who continued stedfast in the late times; but at his last was strangely overpowrd w^t melancholy. Mr David Simpson, first min^r in Killeen, and then in Southend, Kintyre, continued stedfast in his day, and was banished to New Jersey, where he dyed. His son, Mr David, conformed, but recanted, and was min^r in Yla till his death. Mr Ja. Garner, a stedfast and sincere christian, was min^r in Saddell: banished to Holland at the restoration; and returning privatly to Scotland, dyed in Glasgow. He was very usefull to exercised christians, both in preaching and conference. Two Mr Archbald McLane, one min^r in Cowall presbytry, another in Kintyre, continued stedfast till the last, tho' reduced to great hardships. Messrs John and Daniel M^cLaurin: the first stedfast in the late times, was after y^e revolution min^r in Kelmodan in Cowall; was a man of rair parts, a great disciplenarian, and dyed about April, 1698. His brother was first min^r in Kiltivan, and y^e of Roosenath, a man of rair parts, and honest; but I suppose ye were acquainted with him. Mr John Monro, min^r, at his death at Rothesay in Bute, was prelatically educated, [and] licensed under prelacy by that party; but, after that, the Lord fell in upon his soul; and by converse w^t Mr Robert Muir, and other good men, and prayer, he was, even in the height of persecution, brought of from that way, and was further confirmed by converse w^t the persecuted min^{ry} in Ireland, whether he fled; and at the revolution was first min^r in Lochgoyishead, and then last at Rothesay. He was very usefull to our synod, as he was to the whole church, being a man of a public spirit, and fitt to deal w^t quality. He had sore wrralling at his death, but at last, before he dyed, was more then a conqueror. These are the most valuable, both for gifts and grace, stedfastness and faithfulness, who were in our synod, and except 6 or 7, viz. Messrs Cameron, Keith, Simpson, Garner, y^e 2 McLanes, Mr John Duncan-

* His son (if I mistake not, his only son), died October or November, last year, at Glasgow, while the father's illness prevented him from seeing him.

some, were all of my personal acquaintance; and for the rest, I write upon sure grounds from such as were acquainted with them. Pardon this prolix trouble, which at your own desire I have given you. Others it may be can inform you fuller, tho' not truer.

"I am, R. & V. D. Sir,

"Yours in all sincerity to serve you,

"JA. BORN."

"*Camp. New.* 30, 1724."

Wedrow—to William M'Farlane.

Dec. 22, 1722.

"Sir,—I have yours of the 21st, and by the proposals you send me, I see the paper is not that of Mr Brown's which I have, neither is it that valuable history of Mr McWard's I was telling you I heard of, but had not seen, tho' I am ready to fear the publisher of the proposals takes it for his history of the Defections of the Church of Scotland, when he says its much valued, and desired by many.

"The use of printing any more upon the divisive about the Indulgence, I have not seen; and have declared my opinion publicly enough against reviving our flames upon that head: and so I must decline encouraging any thing of this kind, especially till I know that the papers designed to be published, are his whose you say they are. I have a great value for Mr McWaird's memory, and know many papers were handed about, said to be his, that were not so; and, unless your friend have more to evict them to be Mr McWaird's, then Mr. Goodel's saying so (if he be the person I mean), its not enough.

"The letter of Mr McWaird's I promised to let you see, is bound up with many other papers in a large volume, and you may see and compare it, with what of it I have printed, if you come out here. But you seem not to consider the value and importance of original manuscripts, when you talk of my sending them in to John Gillis's. Every body is welcome to see any of the vouchers of my history, but its fitt they be still in mine own hands, and not sent abroad at an uncertainty. I do not expect that any body would blame me for lending any thing that is my own, as you insinuat twice, and give your word that I shall not be blamed. For the imputation you threaten me with at the close, of partiality, I can see no reason for it; and so, till it be further explained, it can have no weight with me. I remember something like this was at the close of Mr McMairn's letter; but its a strange way of reasoning, that I must be partial if I communicate not with him my manuscripts. He, or any body who blames me for partiality in any thing I have published, may determine the matter by seeing my vouchers, as I have said.

"I am, yours affectionately."

Wedrow—to Mr John McMairn, Schoolmaster, at the foot of Libberton Wind, Edinburgh.

"Sir,—I had yesterday a packet from the Rev^d. Dr Mather at Boston, in New England, and among some things he sends me the inclosed, directed for you, come to my hand: it seems to be of some importance, and haste, by his note to me on the back of it; and I knew no other way to direct to you than by post. I wish it may find its way to you.

"You have seen proper in three or four pamphlets and books, as I am told, published by you, to attack the History of Sufferings I published some years ago. I find nothing in what you have advanced but what I am of opinion I shall soon set in its proper light, if the Lord please to spare me.

"I am heartily sorry for the sake of truth and your own sake, that you have repeated more than once in print several wrong reasonings, misinformations, and mistakes in point of fact. Attacks from the prelatick party were not very surprising to me, but I did not expect that persons of your profession would have discovered so much resentment against that history.

"You may be the less displeased that I have taken no public notice of what you have writt, when you'll easily observe that I have not answered the several bitter and envenomed pamphlets against me by the episcopal side. I am waiting for Mr Bruce's large work, which he calls his Impartial History, wherein I expect the utmost he and his party have to say against my book. When I have the whole that both sides have to advance against me, it will then be the most proper season for me to say what is necessary in defence of the truth.

Having no personal acquaintance with you, and this providential occasion of transmitting this letter to you offering itself, I thought it not improper to signify this much to you to prevent your mistaking my silence.

"I am, Sir, your real friend.

"*Eastwood, July 30, 1725.*"

Lett. by Wod. vol. 3. last part, p. 214—5.

McMairn to Wedrow.

Ed August 3d, 1725.

"Rev^d. Sr. I received yours of y^e 30th past, inclosing one from N. Engl^d. whereby you've laid upon me an obligation to gratitude, which I acknowledge, and return you my hearty thanks for your kindness.

"Sir, You alledge, y^t in 3 or 4 books and pamphlets, said to be published by me, I have attacked your history. I own I publish'd, 1. Mr Mcward's book, entitled Earnest Contendings, &c. 2. Mr Renwick's Testimony against y^e Toleration (this I reprinted). 3. His Life and Death, as written by Mr A. Shields.

I know not a fourth wherein any thing is advanced against your history y^t I published.

In each of these there is somewhat briefly, but very little, by me said anent your history, touching only at some passages and expressions y^{rin}, which may afford an abler pen ground and matter for a larger volume than either of these s^d. books. And yet y^e said two books and pamphlet, in the opinion of some, not your antagonists, say more against your history, (tho' written many years before it,) specially on these heads and points, wherein the Lord's cause and truth, and y^e faithful contenders for y^e same, are wronged, to conciliate respect unto, and justify decliners therefrom, and compliers w^t their opposites, than all that I or any such blunt and obscure pen, have done, or could do. And yet, Sir, because I like not dissimulation, I must tell you, if you consider not what is said by the above three worthies, the authors of those books; and y^t we can say or do nothing against the truth but for y^e truth, I, and others too, do, and will see cause to say much more, with particular application, in publishing the papers (whereof I have some store) relative to Bothwell affairs, and the consequents y^{of}, more impartially yⁿ we yet see done.

"However, I shall (and, I presume, many others will) be glad to see you set in a true light the good cause and testimony of q^t suffering period, without any respect of persons, or partial byass toward the indulged, or other compliers. If this may be expected from one of your station and involvements, it might also be expected y^t you would employ yor parts to refute much of your own history; which yet is rather to be wished than hoped. As to what you signify, y^t I have repeted more yⁿ once, in print, several wrong reasonings, misinformations, and mistakes in point of fact; I know not y^e particulars: if you had been pleas'd to point out these, or any of them, I should either have

shew'd my authorities for y^e same, or else being convinced thereof, retracted them. It was for the sake of truth, not of men, or of private or party interest, y^t I wrote any thing; and if you shew me y^t I have wrong'd y^e truth thereby, or y^t truth stands on your side, whereinsoever we differ I shall humbly submit and acknowledge my fault.

"I shall not, (as I think I did not) oppose any thing you have written, or shall write, against any error or extravagancy, popery, prelacy, tyranny, or erastianism: I rather think and complain, y^t you have been too sparing against the last three, and have so far espoused y^e interest, or complied w^t y^e practice of the last of all, y^t little is said by you, or yet expected from you, in yor present course and circumstances, in favour of y^e truth against that pernicious and prevailing error.

"I'm hopeful, Sir, you will not take my freedom in ill part, which I cou'd not well forbear to use upon such an occasion, y^t I did not presume to expect, and which, if I had not used, you might justly have charg'd me w^t flattery and dissimulation.

"Sir, In regard I find great difficulty, at this distance, in getting letters transmitted to N. England, there being no packet-boat y^t I hear of, ordinarily passing *hinc inde*; and understanding y^t you'll have some occasion to send answers to Boston, I make bold to desire and intreat you to admit of this piece of trouble, to send off the inclosed with your own. Expecting your compliance w^t this request, and excuse for the trouble, I am, Rev^d. Sr.

"Your much obliged and humble serv^t,
(Signed) "Jo. McMain.

"Sir, If no occasion of sending off the inclosed offer in a month or so, be pleas'd to remit it unto John Millar, merchant in Trongate, Glasgow, his hand.

We return our thanks to those friends in the west of Scotland, as also in the north of England, who have favoured us with copies of inscriptions on the tombs of the sufferers; and our reason for not inserting them is, that they have all been previously published in "The Cloud of Witnesses." In the epitaph and inscription line, Old Mortality and John Howie of Lochgoin have left nothing to their successors.

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